



SOUTH AFRICAN HUMAN RIGHTS COMMISSION

EMPLOYEE HANDBOOK

**HUMAN RESOURCES
(DRAFT 7)**

Vision

Transforming society.

Securing rights.

Restoring dignity.

Mission

The Commission as the independent national human rights institution is created to support constitutional democracy through promoting, protecting & monitoring the attainment of everyone's human rights in South Africa without fear, favour or prejudice.

Values

The values of the Commission are:

integrity,

honesty,

respect,

objectivity,

Batho Pele principles, &

equality.

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INTRODUCTION

1. GENERAL PURPOSE & SCOPE

The purpose of this document is to streamline & regulate HR related policies, processes & practices regarding the complete employee life cycle within the Commission. The policies & procedures are valid for all employees employed by the Commission. In all cases, these HR policies, intend to be consistent with the prevailing laws, rules & regulations. However, when the language contained in these policies conflict with the SA laws or regulations, the SA laws or regulations will prevail. The South African Labour Law regulates practices & policies not discussed in specific Commission policies.

Policies will be revised annually unless revisions are required more frequently.

2. MATTERS OF MUTUAL INTEREST

The Labour Relations Act & collective agreements shall regulate matters of mutual interest between employees & the South African Human Rights Commission as employer.

3. EXCEPTIONAL CASES

If circumstances develop which justify deviation from the provisions & measures in a particular policy in this handbook, the Chief Executive Officer (CEO) may make determinations, issue directives or approve that alternative provisions & measures be applied.

Note: All committees referred to in this handbook are sub-committees of the HR Committee

CODE OF CONDUCT

A. PURPOSE

- A.1 All employees are expected to comply with the Code of Conduct of the SAHRC in order to give practical effect to the relevant constitutional provisions relating to the Commission.
- A.2 The Code should act as a guideline to employees as to what is expected of them from an ethical point of view, both in their individual conduct & in their relationship with others. Compliance with the Code can be expected to enhance professionalism & help to ensure confidence in the Commission.

B. INTRODUCTION

- B.1 The need exists to provide direction to employees with regard to their relationship with the legislature, political & executive office-bearers, other employees & the public & to indicate the spirit in which employees should perform their duties, what should be done to avoid conflicts of interests & what is expected of them in terms of their personal conduct in public & private life.
- B.2 The Code of Conduct is not an exhaustive set of rules regulating standards of conduct. However, line managers, by virtue of their responsibility for the efficient management & administration of their programmes, provinces or units & the maintenance of discipline, are, *inter alia*, under a duty to ensure that the conduct of their employees conform to the basic values & principles governing the Commission & the norms & standards prescribed by the Act. Line managers should also ensure that their staff is acquainted with these measures, & that they accept & abide by them.
- B.3 The primary purpose of the Code is to promote exemplary conduct. Any employee who contravenes any provision of the Code of Conduct or fails to comply with any provision is guilty of misconduct, & will be subject to disciplinary action.

C. CODE OF CONDUCT

C.1 Relationship with the Legislature & the Executive

An employee-

- C.1.1 is faithful to the Republic & honours & abides by the Constitution in the execution of her or his daily tasks;
- C.1.2 puts the public interest first in the execution of her or his duties;
- C.1.3 loyally executes the policies of the Commission in the performance of her or his official duties;
- C.1.4 strives to be familiar with & abides by all statutory & other instructions applicable to her or his conduct & duties; &
- C.1.5 co-operates with public institutions established under legislation & the Constitution in executing the work of the Commission.

C.2 Relationship with the Public

An employee-

- C.2.1 promotes the unity & well-being of the South African nation in performing her or his official duties;
- C.2.2 will serve the public in an unbiased & impartial manner to create confidence in the Commission;
- C.2.3 is polite, helpful & reasonably accessible in her or his dealings with the public, at all times treating members of the public as customers who are entitled to receive high standards of service;
- C.2.4 has regard for the circumstances & concerns of the public in performing her or his official duties & in the making of decisions affecting them;

C.2.5 is committed through timely service to the development & upliftment of all South Africans;

C.2.6 does not unfairly discriminate against any member of the public on account of race, gender, ethnic or social origin, colour, sexual orientation, age, disability, religion, political persuasion, conscience, belief, culture or language;

C.2.7 does not abuse her or his position in the Commission to promote or prejudice the interest of any political party or interest group;

C.2.8 respects & protects every person's dignity & her or his rights as contained in the Constitution; &

C.2.9 recognizes the public's right of access to information, excluding information that is specifically protected by law.

C.3 Relationships Among Employees

Employees shall-

C.3.1 co-operate fully with other employees to advance the Commissions interest;

C.3.2 execute all reasonable instructions by persons officially assigned to give them, provided these are not contrary to the provisions of the Constitution &/or any other law;

C.3.3 refrain from favouring relatives & friends in work-related activities & never abuse her or his authority or influences another employee, nor is influenced to abuse her or his authority;

C.3.4 use the appropriate channels to air grievances or to direct representations;

C.3.5 show commitment to the optimal development, motivation & utilization of her or his staff & the promotion of sound labour & interpersonal relations;

C.3.6 deal fairly, professionally & equitably with other employees, irrespective of race, gender, ethnic or social origin, colour, sexual orientation, age, disability, religion, political persuasion, conscience, belief, culture or language; &

C.3.7 refrain from party political activities in the workplace.

C.4 Performance of Duties

An employee shall -

C.4.1 strive to achieve the objectives of the commission cost-effectively & in the public's interest;

C.4.2 be creative in thought & in the execution of duties, seek innovative ways to solve problems & enhance effectiveness & efficiency within the context of the law;

C.4.3 be punctual in the execution of duties;

C.4.4 execute duties in a professional & competent manner;

C.4.5 not engage in any transaction or action that is in conflict with or infringes on the execution of official duties;

C.4.6 recuse herself or himself from any official action or decision-making process which may result in improper personal gain, & this should be properly declared by the employee;

C.4.7 accept the responsibility to avail herself or himself of ongoing training & self development throughout her or his career;

C.4.8 be honest & accountable in dealing with the Commission's funds & use the Commissions property & other resources effectively, efficiently, & only for authorized official purposes;

C.4.9 promote sound, efficient, effective, transparent & accountable administration;

- C.4.10 report to the appropriate authorities, fraud, corruption, nepotism, maladministration & any other act which constitutes an offence, or which is prejudicial to the Commissions interest;
- C.4.11 give honest & impartial advice, based on all available relevant information, to higher authority when asked for assistance of this kind; &
- C.4.12 honour the confidentiality of matters, documents & discussions, classified or implied as being confidential or secret.

C.5 Personal Conduct & Private Interests

An employee shall -

- C.5.1 during official duties, dress & behave in a manner that enhances the reputation of the Commission;
- C.5.2 not use alcoholic beverages or any other substance with an intoxicating effect during official business hours;
- C.5.3 not use her or his official position to obtain private gifts or benefits during the performance of her or his official duties nor does she or he accept any gifts or benefits when offered unless declared & approved by the CEO, as these may be construed as bribes.
- C.5.4 not use or disclose any official information for personal gain or the gain of others; &
- C.5.5 not, without approval, undertake remunerative work outside her or his official duties or use office equipment for such work.

C.6 Communication with the Media

- C.6.1 An employee shall direct all media enquiries to the Office of the CEO.
- C.6.2 An employee, in her or his official capacity, shall not irresponsibly criticize the Commission at a public gathering or in a publication, or in any printed or other public media.

1. GENERAL

- 1.1. Every employee shall disclose to the CEO particulars of all her or his registrable interests by 30 April of each year on the form determined for this purpose by the Commission.
- 1.2. Any person who assumes duty after 1 April in a year shall make such disclosure within 30 days after assumption of duty in respect of the 12 months preceding her or his assumption of duty.

2. KINDS OF REGISTRABLE INTERESTS TO BE DISCLOSED

- 2.1. The following kinds of financial interests are registrable interests:
- 2.2. Shares & other financial interests in private or public companies & other corporate entities recognized by law;
- 2.3. Directorships, board memberships & partnerships;
- 2.4. remunerated work outside the public service;
- 2.5. consultancies & retainerships;
- 2.6. sponsorships; &
- 2.7. gifts & hospitality from a source other than a family member.

3. CONFIDENTIALITY OF SUBMITTED FORMS & REGISTER

- 3.1. Only the following persons have access to a submitted form or the register:
 - 3.1.1. The Chairperson of the Commission to whom the information is submitted & the staff designated by the Chairperson for purposes of record-keeping of the original form & submission of a copy of the form to the Commission;
 - 3.1.2. commissioners of the Commission;
 - 3.1.3. the CEO; &
 - 3.1.4. persons designated by the Chairperson or CEO for purposes of the effective implementation of this policy.
- 3.2. No person who has access to a submitted form or the register may, except when a court so orders, disclose any information in that form or register to anyone other than-
- 3.3. an employee in respect of her or his submitted form or an entry in the register in respect of that employee; or
- 3.4. another person listed above.
- 3.5. Any person, other than those indicated above, may only be given access to a submitted form or the register in terms of section 11 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000).

4. CONFLICT OF INTERESTS

- 4.1. If the Commission is of the opinion that a registrable interest of an employee disclosed in terms of this policy conflicts or is likely to conflict with the execution of any official duty of that employee, it shall verify the information regarding that interest & consult with the employee in question.
- 4.2. If, after such verification & consultation, the Commission is of the opinion that there is a conflict or that a conflict is likely to occur, the Chairperson shall refer the matter to the CEO for further referral to the relevant Divisional Manager.
- 4.3. The Divisional Manager shall consult with the employee concerned & take the appropriate steps, including, but not limited to-
 - 4.3.1. instituting disciplinary action; or

4.3.2. granting a waiver to the employee in respect of a future conflict of interest.

4.4. The Divisional Manager shall report to the CEO within 30 days by-

4.4.1. stating whether & what steps were taken; or

4.4.2. giving the reasons if no steps were taken.

4.5. The CEO shall in turn report to the Chairperson.

5. FAILURE TO DISCLOSE INTERESTS

5.1. Any employee who fails to disclose a registrable interest; or when disclosing a registrable interest, wilfully provides incorrect or misleading details, is guilty of misconduct & will be subjected to disciplinary action.

1. PRINCIPLES

- 1.1. The CEO shall provide divisional managers with appropriate powers & authority to manage that division effectively & efficiently as recorded in the delegation of authority framework. In turn, a divisional manager may authorise delegations of authority to heads of department, business unit managers & certain other employees in the Division where necessary.

2. DELEGATIONS & AUTHORISATIONS

- 2.1. The CEO shall record a delegation or authorization in writing & may incorporate it in an employment contract for a Divisional Manager.
- 2.2. The delegation of a power by a CEO or Divisional Manager does not prevent her or him from exercising the power personally.

3. RESPONSIBILITIES

- 3.1. The CEO shall uphold the principles & measures set out in these policies & may not require or permit heads of business units or any other employee to engage in an activity or take a decision in breach of these Policies.
- 3.2. A Divisional Manager shall-
 - 3.2.1. ensure that the employees within her or his division comply with these Policies, collective agreements & any other statutory obligations; &
 - 3.2.2. deal immediately & effectively with any breach thereof.
- 3.3. The CEO or divisional manager shall exercise her or his powers, perform her or his duties & carry out her or his obligations under these Policies subject to the Labour Relations Act & the relevant collective agreements.

4. CONFLICT OF INTEREST IN EMPLOYMENT ACTS OR DECISIONS

- 4.1. Where a possible conflict of interest arises in the making of any decision relating to employment, the CEO or an employee to whom any power or duty has been delegated or assigned, shall perform the act or make the decision only after considering a recommendation of an independent panel consisting of at least two persons appointed by the CEO, unless the possible conflict of interest concerns the CEO, in which case the panel is appointed by the executive authority.
- 4.2. Where the CEO or the employee to whom a power or duty has been delegated or assigned, deviates from the panel's recommendations, she or he shall record the reasons for the deviation in writing.
- 4.3. The CEO or employee shall not accept or seek material recompense or compensation of any kind from an employee or a prospective employee in return for performing an act or making a decision relating to employment.

5. HANDLING OF OFFICIAL INFORMATION & DOCUMENTS

- 5.1. An employee shall not release official information to the public unless she or he has the necessary authority from the CEO.

1. SCOPE

- 1.1. This policy & these guidelines cover the following activities by SAHRC personnel:
- 1.2. Journal articles (in printing);
- 1.3. Web articles (on-line);
- 1.4. The SAHRC's own publications
- 1.5. Books (chapters in edited books & complete books);
- 1.6. Conference speeches, incl. proceedings, & workshop reports; &
- 1.7. Lectures in universities & colleges

2. GENERAL PRINCIPLES

- 2.1. The SAHRC encourages its personnel to write technical & scientific articles & books, as well as to make conference & workshop presentations, providing that the following is met:
 - 2.1.1. Respected high-quality forums are used;
 - 2.1.2. The substance presented is relevant for the SAHRC;
 - 2.1.3. The SAHRC's external visibility is properly taken care of & promoted.
- 2.2. The SAHRC also supports its personnel giving lectures in educational institutes providing that the institute's needs & the subject matter match the lecturer's competencies in such a way that a benefit can be foreseen for both the institute &, in the long term, for the Commission.
- 2.3. The SAHRC has the right to make the published material available to the staff to the extent copyright regulations permit.

3. GUIDELINES FOR PUBLISHING, PRESENTATION & LECTURING ACTIVITIES

All publishing, presentation & lecturing activities involving the SAHRC in any way must be agreed upon beforehand with the Divisional Manager. Additional guidelines are given below:

3.1. Use of working time

The use of working time for the above activities must be agreed upon beforehand. If not agreed upon, the activity must be carried out on the author's private time. In the case of lectures at universities & colleges, the main rule is that the preparation of lectures should be done on the lecturer's private time.

3.2. Use of SAHRC Material

Any use of SAHRC material (text, photographs or anything else) or reference to the SAHRC in these activities must be agreed upon beforehand with the Divisional Manager.

3.3. Use of the SAHRC Brand

If the SAHRC brand, logo or other identity will be used, the SAHRC's branding principles must be followed.

3.4. Spokespeople

No employee may assume the position of a SAHRC spokesperson or representative, unless she/he has been assigned as a spokesperson.

3.5. Review of Material

Publishers have their own review processes, which are of course followed. In addition to those, any SAHRC-related material should be reviewed by the CEO before publishing. In the case of an SAHRC initiated book, the SAHRC will review the entire contents of the book.

4. LEGAL ISSUES

4.1. Copyright

4.1.1. Certain scientific journals require transfer of copyright of the article to the journal as a pre-condition for publishing the article. As a rule, there is no way around it, but it should be considered whether this transfer would be against the interests of the SAHRC or the author, & a decision should be made accordingly.

4.2. For books, the following apply:

4.2.1. SAHRC initiated book

If the author writes a book on the SAHRC's initiative as an agreed part of his/her work duties, the SAHRC reserves the copyrights for the content of the book, & the author agrees to enter into an agreement with the SAHRC & assign all rights in & to the copyright to the SAHRC.

4.2.2. Books initiated by the author

If the author writes a book as a private activity outside his/her SAHRC responsibilities, the author negotiates the copyrights with a publisher. If any SAHRC-related topics are covered, or material from the SAHRC will be used, the content of the publication must be agreed upon with the Divisional Manager.

5. PUBLISHING CONTRACTS

The SAHRC legal advisor should be involved when preparing a contract with the publisher.

6. NON-ENDORSEMENT BY THE SAHRC

If a publication is initiated by the author & the publication, or any marketing or promotion related to it, refers to the author's relationship with the SAHRC (e.g., stating that the author is a SAHRC employee), it should be stated that the publication is not authorized or endorsed by the SAHRC.

7. REMUNERATION

The fees paid by publishers or conference organisers for lectures or publications delivered or produced by persons for whom any of the above activities or alike are an essential part of their normal working duties are payable to the SAHRC.

8. ADDITIONAL NOTES & GUIDELINES

8.1. It is always at the manager's discretion to approve the activity.

8.2. Important aspects to be considered here include:

8.2.1. Quality of the presentation forum;

8.2.2. Importance of the presentation for the SAHRC's business; &

8.2.3. The SAHRC's visibility.

8.3. The lectures & publications should always be agreed upon in advance with the manager.

1. INTRODUCTION

- 1.1. The Commission will retain personnel files, forms & records in an orderly fashion for time periods that comply with legal & governmental requirements & as needed for general business requirements. Personnel files maintenance should be reviewed & managed to provide privacy, consistent formats & current usefulness.

2. PURPOSE:

To provide the Commission with:

- 2.1 information on job evaluation, remuneration, benefits, personnel expenditure, the use of consultants, affirmative action, recruitment, promotions, termination of services, performance management, skills development, injury on duty, labour relations, leave & discharge due to ill-health, etc which is required to be included in the SAHRC Annual Report to parliament; &
- 2.2 historical information, which is used by management to determine employee qualification for promotion, compensation, termination, or disciplinary action, & to outline the methods for filing, retaining & disposing of personnel records.

3. **SCOPE:** This applies to all personnel files, forms & records used for internal &/or external purposes.

4. RESPONSIBILITY

- 4.1. The HR manager should be responsible for overseeing the execution of the Commission policy for Personnel records.
- 4.2. The HR Administrator should be responsible for overseeing the retention, protection, compliance, distribution, storage, & destruction of personnel records.
- 4.3. The HR Administrator will be responsible for categorizing & maintaining a listing of records maintained & the location (i.e. by wall unit & shelf row number).

5. DEFINITION:

Need to Know: A security term used to define access requirements for sensitive or confidential information. The term implies that only those individuals that have a valid purpose or requirement should be allowed access to the information.

6. PROCEDURE

6.1. Employee Information

- 6.1.1. Employees are asked to help keep the Commission informed about any major change, which may affect their employment status. Important changes to report include:

- 6.1.1.1. Name

- 6.1.1.2. Home Address

- 6.1.1.3. Home telephone number

- 6.1.1.4. Marital status

- 6.1.1.5. Number of dependents

- 6.1.1.6. Any important health information

- 6.1.1.7. Emergency telephone numbers & whom to notify in case of emergency

- 6.1.1.8. Change of beneficiary
- 6.1.1.9. Authorised payroll deductions
- 6.1.1.10. Additional education & special training courses

6.2. HR Personnel Records

- 6.2.1. The Commission should maintain a set of personnel files for each employee. An employee's personnel records begin with their completed employment application form & resume. From time to time information should be added to this personnel record regarding an individual's employment status with the Commission. Personnel records are the property of the Commission & should be treated the same as any other confidential Commission information.
- 6.2.2. Employee personnel files should contain only that information which is directly related to the employee's job duties, performance, training & employment history
- 6.2.3. The HR Administrator should create & maintain an access log for medical records using Personnel Records Access Log.
- 6.2.4. The following provisions apply with respect to the Commission's standard for establishing, maintaining & handling employee personnel records.
- 6.2.5. All employees records concerning an employee should be kept up to date & all employees shall promptly report all pertinent personal information & data changes to the HR Administrator.
- 6.2.6. Employees should be permitted to review their personnel records at reasonable times & in accordance with Promotion of Access to Information Act & any other relevant legislation
- 6.2.7. The personnel files of an employee terminating employment should be maintained for the minimum of five (5) years.
- 6.2.8. Documents that have not been shared with the employee & the employee's supervisor do not belong in the personnel records & should not be filed.

6.3. Contents of Personnel Files

- 6.3.1. Employee personnel records should include the following:
 - 6.3.1.1. *Personnel Information:*
 - a. Attendance & Absence Records
 - b. Leave of absence correspondence (including vacation)
 - c. Vacation & sick leave records
 - d. Yearly leave records
 - e. Classification review letter addressed to employee
 - f. Recommendation letter from members or other employees
 - g. Correspondence between employee & management that relates to employment
 - h. Disciplinary memos issues to employee
 - i. Job application & any attachments (resume, etc)
 - j. Job descriptions

- k. Performance evaluations issues to employee, employee responses
- l. Training plan & attendance records
- m. Training course evaluations
- n. Photo ID (where required)
- o. Resignation letter
- p. Termination notice issued to employee
- q. Transfer or promotion requests

6.3.2. Medical Information:

- a. Disability Claims
- b. Medical Aid applications, benefits or claims
- c. Drug & alcohol tests
- d. Workers' compensation records

6.3.3. Payroll & Benefits Information:

- a. Employee loan information
- b. Offer &/or confirmation of employment letters
- c. Provident fund information
- d. Life insurance forms
- e. Salary attachments or garnishment notices

7. ARCHIVING & STORAGE

7.1. All personnel files contents should be reviewed five years after separation from the Commission. Unclassified personnel files should be transferred to the archives for permanent retention. Permanent items to be retained include:

- a. Original Employment Application
- b. Arbitration Records
- c. Disciplinary Records
- d. Employment Contract
- e. Grievance Records
- f. Letters of Offer or Appointment or Salary Letter
- g. Letters of Reference
- h. Performance Evaluations & Awards
- i. Job Descriptions
- j. Promotions/Review Records
- k. Reclassification Records

7.2. Duplicate items & materials that are not scheduled for permanent retention should be destroyed before being transferred to the archives. Items to be removed & destroyed include:

- a. Absence, Leave, & Vacation Requests & Reports

- b. Travel Records
- c. Tuition Fee Reimbursement Records

8. Background Check Information

- 8.1. The results of background investigations obtained prior to or after hiring an employee should be held in an application file or job requisition file & not a personnel file. Sensitive information may be obtained during the investigation & therefore, should be separated & controlled apart from the standard personnel records.

9. Employee's Personnel Records Review

- 9.1. The following provisions apply with respect to an employee's request to review their own personnel records:
- 9.1.1. The HR Officer should coordinate the review of an employee's personnel record with the employee's immediate manager.
 - 9.1.2. A member of the HR Unit must be present while the employees reviews their personnel file.
 - 9.1.3. The employee may make notices, but may not remove, photocopy, deface or otherwise make notations on the documents in their personnel file unless authorized by Law.

10. Management Review of Personnel

- 10.1. All information in employment personnel files is considered confidential. This information should only be available to the HR Manager or line manager responsible for the employee. In all cases, the information is available on "need to know" basis. Medical file access is only allowed to those individuals that the employee has granted access to via a signed authorization form.
- 10.2. The line manager to which an employee may be transferred should be allowed to review the employee's file with the approval of the HR manager & the employee's current immediate manager.
- 10.3. Violation of this policy is considered very serious misconduct subject to the Commission's disciplinary code.

11. Commission Release of Employee Information

- 11.1. The HR Unit shall oversee all responses to all reference requests. No other employee, including a former employee's immediate manager, is authorized to respond independently without first obtaining approval from the HR manager.
- 11.2. All requests should be in writing, using company letterhead, indicating in that letter that the subject of the reference request has applied for a job. Information is not to be provided over the phone.
- 11.3. The HR manager shall review all responses to ensure that only factual information about the employee's job performance & qualifications for employment are included in the response. At no time should a response include emotions, personal feelings, rumours, non – work- related comments or exaggerations.
- 11.4. It is important that some form of documentation or solid evidence supports all information provided in the response.
- 11.5. Retain a copy of all responses, including the contents of any oral response, in the former employee's personnel file.

12. Record Retention & Long-Term Storage

- 12.1. Storage of archived personnel records should be maintained in the locked storage area of the building. Access to this area will be limited to HR personnel.

- 12.2. Non-permanent files should be stored in cardboard file boxes. Each file box will be labelled on the front with the contents, dates covered, & destruction date applicable. Permanent records will be maintained in metal fire resistant file cabinets.
- 12.3. Files should be stored only in boxes with similar items, dates & retention periods. This will allow easier access & purging of records.
- 12.4. The HR Administrator should be responsible for the categorizing & maintaining a listing of records maintained & the location.

13. Record Destruction

- 13.1. A listing of file categories to be destroyed should be circulated to all Divisional Managers thirty days before destruction for review & comment. The actual listing of records destroyed will be maintained permanently for future reference.
- 13.2. Destruction of the files should be performed by an independent, outside service for shredding & disposal. Disposal of records into the Commission's general trash service is not allowed.

PRINCIPLES

The Commission commits to a strong performance management culture that provides a target driven, motivating, & open work environment for all. Effective performance management includes a high standard of performance planning, monitoring, evaluation & reporting.

1. PURPOSE

- 1.1. The primary objective of the Performance Monitoring, Evaluation & Reporting (PMER) Strategy, Policy & System is to provide the framework for the Commission to:
 - 1.1.1. deliver on its mandate in an effective, efficient, economical & accountable manner;
 - 1.1.2. achieve its strategic performance objectives in terms of its service delivery to stakeholders & within the framework of its legislative mandate;
 - 1.1.3. align the performance management system from the most specific level of internal performance monitoring & evaluation to the highest level of external performance reporting; &
 - 1.1.4. report regularly within stipulated times on progress to facilitate effective performance monitoring, evaluation & corrective action.

2. POLICY

2.1. Legislative Compliance

The PMER Policy seeks to ensure that the SAHRC:

- 2.1.1. has & maintains an effective, efficient & transparent system & internal controls regarding performance management¹, which describe & represent how the institution's processes of performance planning, monitoring, measurement, review & reporting will be conducted, organised & managed;
- 2.1.2. has effective performance reporting procedures for:
 - 2.1.2.1. internal monthly reporting,
 - 2.1.2.2. monthly financial reporting to National Treasury²; &
 - 2.1.2.3. quarterly reporting to the Executive Authority to facilitate performance monitoring, evaluation & corrective action & to fairly present its performance against predetermined objectives in its annual report³;
- 2.1.3. provides Parliament with full & regular reports concerning matters under their control as required by the South African Constitution.

2.2. Performance Planning & Budgeting

- 2.2.1. The performance planning documents will be drafted to comply with the requirements set out in the National Treasury regulations (2005) for the five-year Strategic Plan (section 5.2); & for the Annual Budget (section 6.2).

¹ See: *Policy Framework for the Government Wide Monitoring & Evaluation (GWMandE) System* (2007), *Framework for Managing Programme Performance Information (FMPPi)* (2007), *Improving Government Performance: Our Approach* (2009); Framework for Strategic Plans & Annual Performance Plans (National Treasury, 2010); *Performance Information Handbook* (National Treasury) (2011)

² PFMA, Section 40 (4), requires that monthly financial reports must be submitted to National Treasury with 15 days of the end of each month.

³ Treasury Regulations 2005 (Section 5.3.1) for Constitutional Institutions

- 2.2.2. The format of the five-year Strategic Plan & the Annual Performance Plan will be guided by the National Treasury Framework for Managing Performance Information (2007) & the Framework for Strategic Plans & Annual Performance Plans (2010)
- 2.2.3. The five-year Strategic Plan will not be changed over the five-year period unless there are significant policy changes relating to the mandate or service delivery environment of the Commission.
- 2.2.4. All operational plans, work plans & performance contracts will be aligned to the Annual Performance Plan which in turn will be aligned to the Strategic Plan.

2.3. **Performance Monitoring & Evaluation**

- 2.3.1. Performance will be monitored regularly at all levels as follows:
 - 2.3.1.1. Line managers monitor the performance of their team continuously;
 - 2.3.1.2. Business Unit Managers & Heads of Department monitor the performance of their programmes on at least a monthly basis;
 - 2.3.1.3. Divisional Managers monitors the performance of the organisation on a monthly basis; &
 - 2.3.1.4. Commissioners conduct a formal performance evaluation of the Commission on a quarterly basis.
- 2.3.2. The Commission will ensure that time is allocated in formal meetings to critically & constructively engage on performance information in relation to the strategic plan & the annual performance plan.
- 2.3.3. These engagements will not only inform managers on the status of implementation & reasons for deviations, but also provide a platform to put corrective measures in place where necessary.
- 2.3.4. It is also important to note that these exercises will ultimately inform the strategic & annual planning processes within the Commission.

2.4. **Performance Information**

- 2.4.1. The Commission will produce & regularly review the performance information required to monitor & evaluate its performance against performance indicators & targets
- 2.4.2. Performance information will be used to:
 - 2.4.2.1. plan;
 - 2.4.2.2. develop policies;
 - 2.4.2.3. monitor delivery against targets;
 - 2.4.2.4. measure the success or otherwise of the Commission's existing policies; responses & programmes;
 - 2.4.2.5. make informed decisions about the continuation, modification or abandonment of existing policies & programmes;
 - 2.4.2.6. hold programmes & individuals accountable; &
 - 2.4.2.7. contribute to/inform personnel development planning.
- 2.4.3. The frequency, format, data source & responsibility relevant to producing performance information will be included in a Reporting Checklist that will be reviewed on an annual basis.

- 2.4.4. The internal Reporting Cycle will include monthly submission & distribution deadlines & will be designed to ensure a cyclical flow of performance information throughout the Commission.
- 2.4.5. Performance information should be readily available, & with proper systems in place, to produce performance reports within 15 days after the end of each month & consolidated organisation-wide performance reports by the 21st of each month which are consolidated into quarterly & annual reports.
- 2.4.6. Performance information will be assessed according to the following quality standards: consistency, relevance, measurability, validity, accuracy, timeliness & completeness.

2.5. **Performance Reporting**

- 2.5.1. The Secretariat is accountable to the Commissioners as the executive authority of the Commission. Commissioners are in turn accountable to National Parliament & Treasury for performance planning, budgeting, monitoring & reporting.
- 2.5.2. The secretariat provides to the Commissioners performance information that includes plans & budgets for the next year, implementation for the current year & reporting for the last years' performance.
- 2.5.3. After consideration of this information, the Commission submits this information to the relevant bodies.

3. **ROLES & RESPONSIBILITIES**

3.1. **Executive Authority/Commissioners**

- 3.1.1. The Commissioners are accountable to Parliament & are expected to provide Parliament with full & regular reports concerning matters under their control.
- 3.1.2. They should:
 - 3.1.2.1. ensure that the Commission sets up appropriate performance information systems so that they are able to fulfil their accountability reporting responsibility.
 - 3.1.2.2. oversee such systems to ensure that they are functioning optimally & comply with the Performance Information Management Framework & other related standards & guidelines
 - 3.1.2.3. ensure that their performance contracts reflect these responsibilities.

3.2. **Accounting Officer/CEO**

- 3.2.1. The CEO is accountable for establishing & maintaining systems to manage performance information.
- 3.2.2. The performance agreement of the CEO should therefore reflect these responsibilities.
- 3.2.3. The assistance of the Head of Strategic Support & Governance, the Chief Financial Officer & the Chief Operating Officer is critical to ensure appropriate capacity within the organisation & the management of performance information.

3.3. **Divisional Managers & Line Management**

- 3.3.1. Line Managers are accountable for establishing & maintaining the performance information processes & systems within their area of responsibility.
- 3.3.2. Management are accountable for the quality of the performance information & data & are responsible for using the audit finding & recommendations regarding identified weaknesses in data collection & storage systems to take corrective action.

3.3.3. Their performance agreements should also reflect these responsibilities.

3.4. **Staff**

3.4.1. Officials are responsible for capturing, collating & verifying performance data related to their activities.

3.4.2. The integrity of the institutions overall performance depends on how conscientiously they fulfil these responsibilities.

3.4.3. Consequently, their performance agreements & assessments should deal explicitly with the quality aspect of their work.

3.5. **Internal Audit**

3.5.1. Internal Audit will assist management to:

3.5.1.1. assess the quality of datasets;

3.5.1.2. identify key risks with regards to the quality of information & weaknesses in data collection & storage; &

3.5.1.3. include the identified risk areas in the internal audit plan for auditing the internal controls relating to data collection.

1. HUMAN RESOURCE PLANNING

- 1.1 The Commission plans within the available budgeted funds, including funds for the remaining period of the relevant medium-term expenditure framework, for the recruitment, retention, deployment & development of human resources according to the Commission's requirements which includes:
- (a) realistic goals & measurable targets for achieving representativeness (see EE Policy below);
 - (b) targets for training of employees (workplace skills plan), with specific plans to meet the training needs of persons historically disadvantaged (see Personal Development Plans); &
 - (a) addressing the position of employees affected by the abolition of unnecessary posts, & shall retrench employees only in accordance with the Labour Relations Act & collective agreements as the last resort.

2. CREATION & FILLING OF POSTS

- 2.1 Before the CEO will consider approving a post for any newly defined job, or filling any vacancy, a Divisional Manager is required to-
- (a) motivate that the post is required to meet the business unit's objectives;
 - (b) evaluate the new job in terms of the job evaluation system; &
 - (c) ensure that sufficient budgeted funds, including funds for the remaining period of the medium-term expenditure framework, are available for filling the post.

3. ADDITIONAL EMPLOYMENT

- 3.1 The CEO may, within the relevant budget, employ persons additional to the approved establishment where-
- (a) the incumbent of a post is expected to be absent for such a period that her or his duties cannot be performed by other personnel;
 - (b) a temporary increase in work occurs; or
 - (c) it is necessary for any other reason to temporarily increase the staff of the department or business unit.

4. JOB DESCRIPTIONS & JOB TITLES

- 4.1 The Divisional Managers are responsible for establishing a job profile & job title for each post that indicates:
- (a) the main objectives of the post or posts in question;
 - (b) the inherent requirements of the job; &
 - (c) the requirements for promotion or progression to the next salary range, in accordance with a relevant career path.
- 4.2 At least once every three years, a Divisional Manager shall review job descriptions & titles &, where necessary, redefine them to ensure that they remain appropriate & accurate.

5. SALARY STRUCTURE & GRADING SYSTEM

- 5.1 The CEO approves the salary structure & grading system for the commission to assist Divisional Managers in designing jobs &/or career paths linked to the salary scale.
- 5.2 HR may provide advice on –
- (a) the possible job content;
 - (b) the necessary & desirable competencies for the job & the indicators of those competencies; &
 - (c) desirable characteristics for employment & promotion within the occupational category.

1. INTRODUCTION:

- 1.1. The policy provides for redressing past imbalances, which emanated from previous discriminatory legislation & practices. This policy is aimed at implementing affirmative action measures to redress the disadvantages in employment experienced by designated groups, to ensure their equitable representation in all occupational categories & levels within the Commission, to shift all stakeholders' thinking into a new paradigm & to eliminate unfair discriminatory policies & practices within the Commission.
- 1.2. The CEO is directly responsible for providing leadership in transformation within the Commission. The Divisional Managers & all other managers are responsible for implementing the transformation vision, goals & strategy of the Commission.
- 1.3. The Policy provides for a selection & appointment process & for a Dispute Resolution Committee to handle all disputes relating to EE. The EE Monitoring Committee & HR will ensure that the Commission complies with the EEA & with its own Equity Plan & shall report to the CEO on progress.

2. STATEMENT:

- 2.1. The Commission asserts that it has a moral obligation to redress the issue of inequality created by historical exclusion of blacks, females & people with disabilities from opportunities of education, employment, training & development & career development.
- 2.2. The EE Policy shall serve to ensure that fair & equitable processes are followed by the Commission to address Transformation & Equity at the Commission.
- 2.3. Management will address imbalances in the composition of the present & future HR compliment with regard to race, gender & people with disability by implementing an Affirmative action programme for a limited period, until such time as the composition of the Commission is representative of the relevant economically active population of South Africa at all organizational levels. The transformation of the organization into one that reflects the demographic reality of South Africa will further enhance our ability to serve effectively & fairly all members of the community with due regard to culture & ethnic diversity.

3. OBJECTIVES:

- 3.1. To address the imbalances in the composition of the workforce with regard to race, gender & disability.
- 3.2. To create an environment free from all forms of discrimination.
- 3.3. To guide all policies & procedures for recruitment, selection, appointment, training & development of employees.
- 3.4. To encourage all employees to respect diversity.
- 3.5. To facilitate the development of equitable human resources policies, procedures & practices.
- 3.6. To ensure that every staff member is treated with equal respect & concern.

4. OVERALL APPROACH TO THE AFFIRMATIVE ACTION PROCESS

In implementing Affirmative Action, mutual respect, support, commitment, trust & tolerance will be nurtured through transparency, consistency & the involvement of all stakeholders. Furthermore, it is important to create a climate in which all stakeholders can make honest inputs on their needs, fears & expectations.

5. EMPLOYMENT EQUITY (EE) MONITORING COMMITTEE

5.1. The Commission will use the EE Monitoring Committee that is fully representative, to debate, reach consensus & make recommendations on all the aspects relating to Affirmative Action & cultural integration.

5.2. This Committee is constituted in terms of section 34 of the Employment Equity Act (EEA).

5.3. The EE Monitoring Committee is constituted as follows:

5.3.1. Management (One representative)

5.3.2. Representative from HR (one representative)

5.3.3. Representatives from the union (one representative)

5.3.4. Representative from staff (one representative)

5.4. Purpose of the EE Monitoring Committee

5.4.1. To ensure that the Commission:

5.4.1.1. complies with the EEA,

5.4.1.2. submits an approved annual EE Report to the DoL by 31 October each year.

5.4.1.3. implements its EE Macro Plan without deviation, unless recommended by this committee, & approved by the CEO.

5.4.2. To highlight barriers/practices hampering the implementation of the EEA.

5.4.3. To evaluate the progress made with the implementation of the EEA at the Commission.

5.4.4. Report any irregularities to the CEO.

5.4.5. The Committee will have fulfilled its role once the Commission has reached their target as agreed upon.

5.5. Meetings

5.5.1. The Committee will meet at least once every quarter at a time & date coordinated by the HR Unit. The proceedings of each meeting will be recorded & the minutes made available to all committee members.

5.5.2. HR will act as the Chairperson of the Committee.

5.5.3. Members of the Committee may elect a Deputy Chairperson from their ranks to act as Chairperson in the absence of the Chairperson.

6. SETTING OF EE TARGETS:

6.1. The Commission's targets will be set according to race, gender, & level to eventually broadly reflect the composition of South Africa's economically active population;

6.2. HR will compute the quantitative & qualitative targets, including time frames, in consultation with all stakeholders. Targets will be integrated to produce the annual EE Plan for the Commission.

6.3. These targets, with reasonable deadlines & interim objectives, will be guided by the Commission's strategic direction & serve as a measure to monitor progress.

6.4. The Commission will not create artificial positions simply to change the workforce composition, as this would lead to window dressing & tokenism, & harms the Commission's efficiency. This does not, however, preclude the Commission from promoting or appointing individuals from the target groups who meet the minimum competency requirements for the specific

position, neither does it preclude the Commission from appointing employees from the target groups in positions, based on their potential, to develop the required competencies within reasonable time.

6.5. The Commission will not retrench any staff member to create vacancies to change the workforce composition, but may consider early retirement in appropriate circumstances.

7. RECRUITMENT, SELECTION & PROMOTION:

7.1. The Commission will use recruitment strategies that will support the achievement of the EE plan.

7.2. The Commission will use selection methods & criteria that are fair.

7.3. Selection criteria will be defined in terms of competencies needed to achieve the output standards for a specific position.

7.4. The shortlist of possible candidates to be interviewed must reflect the intended EE objectives of the Commission's EE Plan.

7.5. Recruitment for vacant positions will take place from the internal pool of talent & the external labour market according to the Commission's recruitment guidelines.

7.6. An interview panel that is appropriately diverse in its composition will interview prospective candidates.

8. ADDITIONAL TRAINING & DEVELOPMENT:

8.1. The Commission is committed to being a learning organization. It will therefore continue to provide additional training, over & above the normal training & development programmes, to enable those who have been denied development opportunities in the past to acquire the competencies needed to compete for employment & promotional opportunities in the Commission.

8.2. Candidates for additional training & development programmes will be selected from both the internal pool of talent & the external labour market, based on potential.

8.3. Additional training & development programmes will consist of on the job training, the establishment of individual career plans, the assignment of mentors & coaches after consultation with the protégés & regular individual appraisals.

8.4. Additional training & development will not take place in a vacuum, but will be needs driven. The number of employees on these programmes will be determined by projected vacancies at different levels, as identified through target setting process.

9. CULTURAL INTEGRATION:

9.1. The Commission recognizes that diversity in the workplace can be a source of misunderstanding, mistrust, poor communication & even conflict, & that this impacts negatively on both the employees & the organization.

9.2. The Commission believes that diversity should be valued & that there is a need for culture in the Commission in which each individual, irrespective of race, gender & persuasion, can develop & function to his or her full potential.

9.3. The Commission will take measure that will enable employees to learn about one another, understand one another & eventually trust one another in order for diversity to become a source of strength.

9.4. The Commission will also take steps to identify & eliminate any formal or informal racist or sexist practices. The EE Monitoring Committee & any other recognized communication structure would play an important role in this process.

10. MONITORING MEASUREMENT

Affirmative Action targets with regard to training & development as well as the composition of the workforce at the different levels will be used as the basis for monitoring success.

11. PRINCIPLES

11.1. Fair implementation

EE shall be implemented in a fair & equitable manner. All policies will be aligned according to the EE Policy.

11.2. Target groups

11.2.1. The Commission will define what a reasonable time to develop the required skills. No person shall be appointed to a position if he/she does not possess the minimum requirements for the positions.

11.2.2. The minimum requirements shall not be limited to formal qualifications, proven competence or experience but shall also include prior learning, relevant experience, life skills & potential, in alignment with the philosophy of the National Qualifications Framework & EE legislation.

11.2.3. Appointments should be made in accordance with the EE Plan of the Department of Labour.

11.2.4. Where efforts have been made to find a suitable candidate & this has been without success, a candidate that falls outside the ambit of the equity target for a department, may be appointed.

11.3. Performance Management

11.3.1. Advancement of EE shall be a key criterion in the performance appraisal of each manager.

11.3.2. Clear standards & monitoring mechanisms shall be affected by the Commission to ensure that the performance & development of those individuals appointed “on potential” are effectively managed & that such individuals have clarity on the contribution they are expected to make.

11.4. Managing diversity

The Commission aims to create an environment that accommodates diversity to ensure the attraction & retention of diverse talent. All differences, inclusive of race, gender, sexual orientation, health, religion, culture, language & physical ability, shall be respected & the rights of employees upheld in compliance with the philosophy & spirit of the Constitution of South Africa.

11.5. It is the responsibility of all employees to:

11.5.1. Treat people with fairness, courtesy & sensitivity with respect to their rights.

11.5.2. Behave as if no employee is superior to others because of his/her race, gender, religion or belief.

11.5.3. Avoid using derogatory, racist or sexist language when dealing with fellow employees.

11.5.4. Challenge others if they act in a discriminatory way & report such behaviour.

11.5.5. Report any form of victimization against those who speak up against inequitable treatment.

11.5.6. Challenge those who deny access of others to facilities to which they are entitled.

11.6. Accountability

11.6.1. The CEO is primarily accountable for the successful establishment of EE in the Commission.

11.6.2. The Divisional Managers are accountable for implementation of EE throughout their respective divisions.

11.6.3. HR, Divisional Managers, & the EE Monitoring Committee shall be responsible for monitoring progress.

11.6.4. Duly appointed persons who fail to implement the terms of this policy shall be held accountable by the Commission.

11.6.5. Existing disciplinary procedures shall be instituted for failure to perform on EE.

11.7. Communication & Transparency

- 11.7.1. The Commission EE Policy & Plan will be made available to all stakeholders for their perusal.
- 11.7.2. Effective two-way communication on progress regarding the EE Plan will be sustained with all stakeholders.
- 11.7.3. Genuine concern, issues & dissatisfaction of all stakeholders shall be dealt with & be addressed openly & honestly without undermining the commitment of the Commission to establish EE.

1. PRINCIPLES

The Commission uses job evaluation to: ensure that work of equal value is remunerated equally; assist in achieving a cost-effective work organisation; & determine appropriate remuneration for positions.

2. RESPONSIBILITIES

2.1 The CEO determines -

- (a) the job evaluation system or systems that shall be used in the Commission;
- (b) the range of job weights derived from the system or systems for each salary
- (b) the job or category of jobs that a Divisional Manager must evaluate.

2.2 The CEO may-

- (a) review the application of job evaluation in the Commission;
- (b) issue directives on the application of the job evaluation system or systems;
- (c) evaluate any job; &/or
- (d) direct a Divisional Manager to take measures to enhance the quality of the system, including the re-evaluation of jobs, the restructuring of the component responsible for job evaluation &/or further training of employees responsible for job evaluation in the Commission.

2.3 A Divisional Manager may request or initiate a motivation via HR to evaluate or re-evaluate any job in her or his division.

3. JOB EVALUATION COMMITTEE (JE Committee)

3.1 All jobs are evaluated by the JE Committee consisting of properly trained members & are constituted as follows: A chairperson appointed by the CEO; the HR Manager; a management representative; a staff representative; & a union representative.

3.2 A certified Job Analyst should contribute to all the functions of the JE Committee.

3.3 The HR Unit will support the work of the committee by:

- 3.3.1 receiving & scheduling requests for evaluations;
- 3.3.2 ensuring that the correct procedures have been followed in requesting the grading of new positions or for re-grading current jobs.
- 3.3.3 Assist line managers in redesigning jobs.
- 3.3.4 Coordinate the evaluation of jobs by the certified job analyst;
- 3.3.5 Keep proper records of all evaluations conducted, the recommendations of the committee, & the CEO's final decision.

4. REVIEW OF POSITIONS

4.1 The JE Committee considers the following to determine whether to refer a position to the Job Analyst for re-evaluation when:

- 4.1.1 a position is graded lower than the original grade of the position;

- 4.1.2 the job content has changed significantly;
- 4.1.3 the presentation of the position does not accurately reflect the content of the job description; &/or
- 4.1.4 a definite grade anomaly exist between the present & proposed grade.

5. JOB EVALUATION PROCEDURES

Stage	Description
1.	The Divisional Manager requests an evaluation & submits a motivation to the HR Unit
2.	HR submits a recommendation based on the criteria for evaluation to the Office of the CEO for approval
3.	The Job analyst conducts an interview with the identified job holder/s in the presence of the line manager/s
4.	HR convenes a properly constituted Job Evaluation Committee within 2 weeks of the job analysis to ratify the information gathered during the job analysis
5.	HR submits the results & recommendation to the Office of the CEO, within 1 week after ratification by the committee
6.	HR will advise the Divisional Manager of the final outcome of the re-grading process

6. STRUCTURAL MAINTENANCE

Job evaluation exercises will be conducted on a regular basis in respect of new positions, significant changes in existing positions & significant re-structuring.

7. IMPLEMENTATION OF JOB EVALUATION RESULTS

- 7.1. The Job Evaluation Committee should produce their recommendations promptly for decision by the CEO.
- 7.2. In the event of a job being evaluated on a lower level than its present job level, the present incumbent will maintain the higher job level, as personal to holder. When the present incumbent vacates the post, the lower job level will be applicable to the newly appointed incumbent.

8. REMUNERATION IMPLICATIONS

- 8.1. The incumbent of a post, that is elevated through a job evaluation process to a higher grade, does not have an automatic right to a salary adjustment.
- 8.2. Upward salary adjustments may be done in the following circumstances:
 - 8.2.1. If after a performance assessment of the incumbent, it is recommended by the Divisional Manager & approved by the CEO;
 - 8.2.2. If the incumbent's present salary notch is lower than the salaries of those incumbents in the higher post grade;
 - 8.2.3. If the incumbent salary falls below the entry level notch of the new post. In which case, the salary will be increased to the entry/minimum scale of the new salary range for that post.

9. FINAL APPROVAL

- 9.1. The CEO will approve all level from 1 to 13;

9.2. The Chairperson will approve all levels from 14 & higher

10. OBJECTION PROCEDURE

10.1. An employee may lodge an objection with her/his line manager within 2 weeks of receiving the outcome of the job evaluation & request a re-evaluation.

10.2. The line manager will inform the Divisional Manager of the objection & refer the objection to the HR Unit.

10.3. The employee is required to provide fully motivated reasons with the request for a re-evaluation.

10.4. The JE Committee can decide to either refuse the request or to refer the post for re-evaluation to the Job Analyst.

10.5. The Committee is required to provide the employee with full reasons in the event of a refusal to re-evaluate the position; &

10.6. The employee has the right to appeal according to the procedure below.

11. APPEAL PROCEDURE

11.1. An appeal must be lodged within 2 weeks of receiving the outcome of the objection & must be supported by line management.

11.2. Full reasons for the appeal must be supplied in writing.

11.3. Reasons for refusal by the relevant Committee must be provided & must be considered by the CEO.

11.4. In the event that the CEO refuses the appeal/request for re-evaluation, the decision will be final.

11.5. In the event that a position is referred for re-evaluation, the CEO will then give final approval.

12. GRADING STRUCTURE FOR THE SAHRC

The grading structure of the Commission is set out in the table below:

HAY LEVEL	CURRENT GOVERNMENT SALARY LEVELS	DESCRIPTION OF TYPICAL POSITION
19, 20, 21	13 - 15	Senior Management
16 - 18	11 - 12	Highly Skilled Supervision
13 - 15	9 - 10	Specialists & Professional
10 - 12	6 - 8	Highly Skilled Production
9 & Below	3-5	Skilled

1. PRINCIPLES

- 1.1 Remuneration in the Commission shall aim to support efficient & effective service delivery & provide appropriate incentives for employees & equal pay for work of equal value & other labour standards.
- 1.2 In determining an employee's salary, a Divisional Manager in collaboration with HR & Finance will make a recommendation to the CEO taking the following into account:
 - (a) relevant collective agreements;
 - (b) available funding;
 - (c) the results of job evaluation;
 - (d) the employee's qualifications & performance; &
 - (e) the need to recruit & retain personnel with appropriate competencies.

2. GRADING & REMUNERATION

- 2.1 The Divisional Manager in collaboration with HR will set the commencing salary of an employee on the minimum notch of the salary range attached to the relevant grade, unless the salary proves inadequate.
- 2.2 A Divisional Manager may recommend the salary for a post or an employee above the minimum notch of the salary range indicated by the job weight:
 - (a) if she or he has evaluated the job, but cannot recruit or retain an employee with the necessary competencies at the salary indicated by the job weight; &
 - (b) she or he shall record the reason why the salary indicated by the job weight was insufficient.
- 2.3 If the job weight demonstrates that a filled post is over graded or under graded, a CEO shall either effect changes to the work organization or re-grade the post according to the job weight.
- 2.4 A Divisional Manager may recommend to increase the salary of a post to a higher salary range to accord with the job weight, if:
 - (a) the job weight as measured by the job evaluation system indicates that the post was graded incorrectly; &
 - (b) the division's budget & the medium-term expenditure framework provide sufficient funds.
- 2.5 If a Divisional Manager increases the salary of a post she or he may continue to employ the incumbent employee in the higher-graded post without advertising the post if the incumbent:
 - (a) already performs the duties of the post;
 - (b) has received a satisfactory rating in her or his most recent performance assessment; &
 - (c) starts employment at the minimum notch of the higher salary range.
- 2.6 The incumbent employee would take up the higher-graded post on the first day of the month after the CEO approves the increase.
- 2.7 If a CEO determines that the salary range of an occupied post exceeds the range indicated by the job weight, the job should be redesigned to equate with the job grade; or the incumbent should be transferred to another job on the same salary range in accordance with the relevant legislation.

2.8 The salary of part-time, seasonal or temporary employees are proportional to the salary of an equally graded full-time employee.

3. SERVICE BENEFITS, COMPENSATORY PRACTICES & WORK FACILITY PRACTICES

3.1 The CEO determines service benefits, compensatory practices, work facility practices & allowances for employees through the collective bargaining process or, for employees who fall outside the bargaining unit, directly.

3.2 The CEO may make a determination regarding:

- (a) special daily allowances for visits abroad by employees; &
- (b) the application of a service benefit, compensatory practice, work facility practice or allowance.

3.3 Subject to the terms of a relevant collective agreement, a CEO may provide the cash equivalent of benefits received by permanent employees to employees on fixed-term contracts, other than divisional managers.

4. INFORMATION ON REMUNERATION

Managers and HR should respect the employee's right to privacy when dealing with personnel matters & the remuneration of an individual employee.

1. **OBJECTIVE:** The Commission's Remuneration policy is to attract, retain & appropriately reward competent & high performing employees. To achieve this objective remuneration needs to be both internally equitable & externally competitive.
2. **PURPOSE:** To establish the Commission's remuneration policy & to outline the principles underlying the determination of remuneration packages.
3. **PRINCIPLES**

3.1. Remuneration by the Commission shall aim to support:

- a) Efficient & effective service delivery;
- b) the provision of appropriate incentives for employees;
- c) equal pay for equal value of work;
- d) other relevant Labour standards;

4.2 Determining Salary Scale & Grading

- a) To acquire skills, knowledge & related qualifications needed by the Commission & to retain competent employees, all salary scales & grades will be based on the salary scales & grades of the Public Service.
- b) The CEO shall determine upon recommendation of the Job Evaluation Committee the grading & salary granted to individuals.
- c) The salary of a part-time or temporary employee shall be as proportional as possible to the salary of a full - time employee of an equal grade.
- d) In determining an employee's salary scale, the following shall be taken into account: budgeted funds, job evaluation results of the Job Evaluation Committee, & the need to recruit & retain skilled personnel.

5. REMUNERATION

- 3.1 All employees who are between level 1 to 10 will be remunerated as follows: basic salary plus benefits such as housing allowance, provident/pension fund & medical aid subsidy.
- 3.2 All employees who are between level 11 to 16 will be remunerated as follows: An all inclusive package will be applicable
- 3.3 Permanent employees (including those on contracts of more than 12 months) will receive their salaries on the 25th of each month by way of a deposit into their bank account, after all deductions, both statutory & non-statutory, have been made.
- 3.4 Only fixed term employees whose contracts do not exceed 12 months, & those who have resigned will receive their salaries on the last working day of the month by way of a deposit into their bank account, after all deductions, both statutory & non-statutory have been made.

3.5 Determining Acting Allowance

- 3.5.1 An employee appointed in writing to act in a higher post, by a person duly authorized, shall be paid an acting allowance, provided that:
- 3.5.2 The higher post in which he/she is acting is vacant & funded;

- 3.5.3 The period of appointment is uninterrupted 6 (six) weeks or longer;
- 3.5.4 A maximum of two employees may receive the acting allowance proportionally if they are appointed to act in a single higher vacant post, provided that-
- (a) the responsibilities attached to the higher vacant post are divided between the two employees acting in such post & expressed in the form of a ratio (e.g. 30/70 %) before they are appointed to both act in such higher vacant post;
 - (b) the maximum (combined) acting allowance to be paid to the two employees in the difference between the salary scale of the lowest graded employee & the commencing salary scale of the higher graded vacant post. (This means that the expenditure may not exceed the expenditure if only the lowest graded employee would have been appointed to act in the higher graded vacant post); &
 - (c) the employee's individual acting allowance is to be determined proportional to the above-determined ratio. (This means that if the split in responsibilities between the employees is 30/70% of the maximum combined acting allowance).
- 3.5.5 An employee who is appointed to act in a higher vacant post & whose salary is higher than the commencing salary of the higher post should receive the difference between his/her current salary & the next higher grade.
- 3.5.6 An employee who is not part of the SMS appointed to act in a post in the SMS will receive the difference between his/her current salary notch & 60% of the commencing inclusive flexible remuneration package applicable to the post level.
- 3.5.7 The acting allowance is non-pensionable.
- 3.5.8 The Commission will pay the acting allowance on a monthly basis, provided that the first payment takes place in the month following the completion of the 6 week period, backdated to the date that the member officially began acting in the post.
- 3.5.9 An employee may only act in a higher post for a maximum uninterrupted period of 6 (six) months.
- 3.5.10 This policy is not applicable to an employee who assists in a position lower or equivalent to his/her current position. This issue is addressed by the Performance Management Policy.

4. PROCEDURE

- 4.1 In order to achieve a fair level of remuneration, the Commission shall employ & maintain a job evaluation system, which will be recommended to the CEO by the Job Evaluation Committee.
- 4.2 A three-year salary benchmark survey shall be done to establish market remuneration levels within South Africa generally & independent statutory bodies specifically.
- 4.3 The Commission shall review all components of the salary scales on an annual basis & on the basis of inflation as pronounced by the South African Reserve Bank.
- 4.4 A performance based incentive scheme will be the basis for bonus achievement.

4.5 The Commission may:

- 4.5.1 by virtue of its combined resources, negotiate benefits for its staff on terms more favourable than those that could be negotiated by members of staff on an individual basis;
- 4.5.2 assist in ensuring that there is a measure of tax relief afforded to all staff members in respect of certain non-cash benefits.

5. Benefits & Allowances

5.1 Provident Fund

- 5.1.1 Membership of, & contribution to, an authorised Provident Fund is mandatory for all full-time employees.
- 5.1.2 Details of the contributions are prescribed in the rules of the Fund.
- 5.1.3 The rules of the Fund, in keeping with the SARS guidelines, shall be given to all employees.
- 5.1.4 The Commission will contribute to the maximum of 12.5% of the basic salary to the Provident Fund for employees in levels 1-10.

5.2 Unemployment Insurance Fund (UIF)

UIF contributions will be deducted on a monthly basis from the salaries of employees whose remuneration falls within the range specified by the Unemployment Insurance Act.

5.3 Medical Aid

- 5.3.1 Permanent employees of the Commission must belong to the authorised Medical Aid Scheme except those:
 - (a) who have a bona fide religious or conscientious objection to becoming a member of a Medical Aid; or
 - (b) who are registered as dependents on their spouse's/partner's medical aid scheme.
- 5.3.3 The Commission may make an alternative arrangement with employees who do not belong to the authorised Medical Aid Scheme, i.e. those to whom 5.3.1.(a) or (b) above refers. The arrangement may not be more favourable than the policy applicable to other employees.
- 5.3.4 The Commission's contribution will be 75% of the total medical aid contribution for employees in grades 10 & below.
- 5.3.5 Employees will have the right to select from within the Medical Aid Scheme the plan option best suited to their personal requirements, but which must at least provide for a hospital plan.

6. Determination of monthly salary

The monthly salary is the amount of the annual remuneration package determined for & agreed to by the employee, divided by 12.

7. Annual performance bonus

Performance bonus in the Commission will be based on performance rating achieved by the staff member as per the Performance Management System.

8. 13th Cheque

- 8.1 Permanent employees from level-10 will be eligible for a 13th cheque that is equivalent to a monthly basic salary in which the 13th cheque pay date falls.

- 8.2 The 13th cheque will be payable at the end of November every year.
- 8.3 The 13th check for employees who resign from the Commission before the end of November will be on a *pro rata* basis, based on the monthly basic salary at the time of resignation.
- 8.4 Employees from level 11-16 may structure their salary packages to include the 13th cheque.

9. Pay Progression

Progression pay awarded to individual employees will be based on performance in the job, & regulated by the Performance Management Policy.

10. Remunerating Scarce Skills

- 10.1 Line managers are required to identify skills shortages & positions that are deemed to need special skills & those that are in short supply.
- 10.2 Annual salary surveys will be carried out to ascertain the validity of skills shortages & the costs for such skills.
- 10.3 The level at which these new staff members with scarce skills should be appointed will be determined by the current internal equity of staff with similar skills & the level that has been identified through the salary survey.

11. Employee Access to Information on Remuneration

- 11.1 The Commission includes information on remuneration by job category in its annual report.
- 11.2 The Commission's salary scales are available to all employees. However, to respect employees' right to privacy, individual salaries & performance-related increases are confidential.
- 11.3 In the week before the 25th day of each month, the Commission shall provide each employee with a pay slip containing the:
 - 11.3.1 Commission's name & address;
 - 11.3.2 employee's name & salary level;
 - 11.3.4 details of any other form of compensational category;
 - 11.3.5 details of other form of compensation paid directly on a monthly basis;
 - 11.3.6 amounts & purpose of any deductions; &
 - 11.3.7 actual amount paid to an employee.
- 11.4 The salaries of the Commission's employees are paid directly into the employees' bank of choice. Therefore, it is the responsibility of an employee to ensure that the Banking details reflected in the records held by the Commission are correct.
- 11.5 An employee shall submit changes to his/her banking details to the HR Unit within seven working days of such change occurring.

1. PURPOSE

The purpose of this policy is to ensure that appropriate leave is granted to employees under circumstances which necessitate their absence from work, where such absence is in the interest of the employee & the Commission & conforms to the BCEA.

2. APPLICATION FOR LEAVE

- 2.1. Applications for leave are made on the standard leave application form together with copies of relevant documents supporting the leave application where applicable.
- 2.2. An application for leave, other than for temporary or permanent incapacity leave, must be submitted for approval to the Line Manager at least seven (7) working days before the start of the planned leave.
- 2.3. All leave applications must be approved by the relevant Line Managers before the starting date of the leave.
- 2.4. All leave is taken at times agreed between the Commission & the employee, subject to the Commission's operational requirements.
- 2.5. Employees should discuss their plans with their immediate Line Managers, before submitting leave applications.
- 2.6. Leave granted may be withdrawn at any time, if deemed necessary for operational requirements.
- 2.7. Annual leave should not be unreasonable refused.
- 2.8. Whilst applications for leave can only be refused or rejected if the employee has exhausted their leave entitlement, the employee may be requested the change the timing (dates/duration) of annual leave to accommodate the requirements of the division or business unit.
- 2.9. Any refusal of annual leave must be confined in writing, stating the reasons & arrangements for rescheduling of the annual leave.

3. ANNUAL LEAVE

- 3.1. The Commission's employees are entitled to annual leave of 21 working days per year with full pay in respect of each completed twelve-month cycle of employment, accumulated at the rate of 1.75 days per month from their first month of employment.
- 3.2. Annual leave shall accrue to members of staff on the last day of each calendar month of service.
- 3.3. At least 15 working days must be taken as leave days during the annual leave cycle.
- 3.4. The timing of the leave requested must take the service delivery requirements of the business unit into account.
- 3.5. The remaining leave days, if any, should be taken within the first six (6) months of the following leave cycle.

3.6. Leave calculation

- 3.6.1. Public holidays are excluded from the purposes of calculating annual leave; therefore, an annual leave day that falls on a public holiday will not be deducted from an employee's leave balance.
- 3.6.2. Fractions or decimals in the leave calculations are significant & must not be rounded.

3.7. Leave Cycle

- 3.7.1. The leave cycle is defined as a 12 month period from the first day of employment or the completion of the prior leave cycle.
- 3.7.2. No employee should have more than ten (10) days annual leave carried over to the following year.
- 3.7.3. Should a temporary employee be appointed on a permanent basis, immediately after his/her contract has expired, the annual leave will be automatically transferred to the employees permanent leave record.

3.8. Payment in lieu of leave

- 3.8.1. Normally the Commission will not grant employees cash in lieu of accumulated leave except under the following circumstances:
 - 3.8.1.1. Employees are entitled to payment in lieu of accumulated annual leave on termination of their employment.
 - 3.8.1.2. In exceptional cases, where an employee has taken 21 days leave in the leave cycle & still has some accumulated leave, the Line Manager, in consultation with the HR Manager may recommend that some portions of accumulated leave be paid to the employee, at the rate of the employee's basic salary on the final pay day of the twelve-month cycle. Such payment of annual leave is granted at the sole discretion of the CEO.

3.9. Annual Closure

- 3.9.1. The Commission will generally close its office over the year-end period from 12h00 on 24 December or the previous working day, if the 24th December falls on a weekend, & open on the first working day in January each year at the discretion of the CEO.
- 3.9.2. These compulsory days leave will form part of the annual leave taken by all employees.

3.10. Additional Leave Entitlement

- 3.10.1. After completion of five years of service **an additional one (1) day** will be added to the annual leave quota & thereafter an **additional one (1) day** will be added for every additional year completed in the employ of the SAHRC up to a maximum annual entitlement of **twenty seven (27) days**.

3.11. Five year service special leave

- 3.11.1. Five days of leave will be granted in the year following each five-year period of service in the SAHRC in recognition of the service to the Commission. This special leave may not be accumulated but must be taken during the course of year six (6), eleven, etc.

3.12. Leave Granted in Excess

- 3.12.1. An employee may not be granted leave in excess of that to which she/he is entitled.
- 3.12.2. However, where an employee has in good faith been granted annual leave in excess of that which was available, such over grant is deducted from the subsequent leave cycle.
- 3.12.3. If such employee terminates her or his service prior to the following annual leave cycle that portion of the over grant is regarded as an overpayment that must be recovered.

3.13. Annual Leave When Resigning

- 3.13.1. No annual leave will be granted during the resignation period.
- 3.13.2. An employee who gives notice of his/her resignation may not use annual leave with full pay during the last 30 days of his/her employment, even if she/he has enough annual leave credit available. If an employee took paid annual leave in this period, the leave will be converted to unpaid leave.

4. RELIGIOUS/CULTURAL LEAVE

- 4.1. All employees are entitled to one (1) day of religious or cultural leave in every annual leave cycle.
- 4.2. Any additional days leave for religious or cultural reasons will have to be taken as annual leave.

5. SICK LEAVE

- 5.1. All Staff members is entitled to a maximum of thirty-six (36) working days leave per three-year cycle.
- 5.2. Any unused sick leave credit shall lapse at the expiry of the three-year cycle.
- 5.3. During the first six (6) months of employment, the employee is entitled to one (1) day's sick leave for every twenty-six (26) days worked. On the first working day of the seventh month, the balance of the thirty six (36) days becomes available to the employee, less any sick leave days taken in the first six (6) months.
- 5.4. Should a temporary employee be appointed on a permanent basis, immediately after his/her contract has expired, the sick leave will be automatically transferred to the employees permanent leave records.

5.5. Reporting Illness

- 5.5.1. Employees must advise their Line Managers by whatever means possible & at the earliest possible on the first day of any sick leave, of the nature of the illness & expected duration of absence. Failure to do so may result in the forfeiture of sick leave pay & disciplinary action.
- 5.5.2. A verbal message to the Line Manager by a relative, fellow employee or friend is acceptable only if the nature &/or extent of the illness injury prevents the employee to inform the authorities personally.
- 5.5.3. Upon being taken ill while at work, the illness shall be reported to the Line Manager as soon as possible. Should the employee be required to leave the place of work after 13h00, the day will not be counted as a day of sick leave.
- 5.5.4. In the absence of a Line Manager, an illness shall be reported to the Commission's HR Unit.
- 5.5.5. Application for more than two (2) days of sick leave must be accompanied by a medical certificate issued & signed by a medical practitioner or any other person who is entitled to diagnose & treat patients & who is registered with a professional health council.
- 5.5.6. The Commission will also require a medical certificate when the employee is absent for reasons of ill health on more than one occasion in any eight-week period. The Commission will then be able to require a medical certificate for every day's absence due to ill health for the remainder of the employee's current sick leave cycle.

- 5.5.7. All medical certificates must comply with section 23 of the BCEA before they can be accepted, i.e. there must be no reason to doubt their authenticity & it must be stated clearly that in the practitioners own opinion, the employee was too ill or injured to work for the entire period of absence.
- 5.5.8. A certificate that merely reflects what the employee told the Practitioner does not meet these requirements.
- 5.5.9. The certificate must state the nature & extent (duration) of the employee's incapacity or illness.
- 5.5.10. The Commission may request, if necessary, a medical certificate for one (1) to three (3) days sick leave.
- 5.5.11. If the employer has proof that the employee was fit to work disciplinary action shall be taken for abuse of sick leave or absence without leave. In both cases the days off work will be treated as unpaid leave..
- 5.5.12. Sick leave forms & medical certificates must be submitted to the Line Manager within two (2) days from the day in the employee returned from work.
- 5.5.13. Failure by the employee to submit his/her application form within the stated period must be viewed in a serious light & disciplinary steps against the employee should be taken.
- 5.5.14. Payment to an employee in lieu of sick leave not taken is not permitted.

6. MATERNITY LEAVE

- 6.1. All female employees in permanent employment are entitled to four (4) months fully paid maternity leave for each confinement.
- 6.2. The benefits that the employee currently enjoys continue during period of confinement.
- 6.3. The maternity leave period is considered as normal service, that is:
 - 6.3.1. The remuneration & conditions of service will remain unchanged;
 - 6.3.2. The benefits that the employee currently enjoys continue during periods of confinement;
 - 6.3.3. The employee is entitled to any general increases that come into effect during her absence & for performance-linked increases that she may have been granted.
- 6.4. A pregnant woman is not required to work for a period of four weeks prior to the expected date of confinement or when a doctor or midwife certifies that leave is necessary for the health of the child or the mother, nor is she required to be back at work after confinement before a period of eight weeks has lapsed.
- 6.5. Should an employee have a miscarriage during the third trimester of pregnancy or give birth to a stillborn child, she will be entitled to maternity leave of six weeks, irrespective of whether the employee had commenced maternity leave at the time of the miscarriage or stillbirth. Sick leave should then be granted where a medical complication necessitates an extended leave of absence beyond the six week period.
- 6.6. Paid maternity leave is calculated as follows: the employee claims from UIF & the Commission pays the difference to ensure 100% payment.
- 6.7. If the employee has been on 3 months paid maternity leave & then resigns before coming back to the Commission the employee must pay back the 3 months employer contribution towards maternity leave. This will be done by

means of deducting from outstanding moneys such as. leave pay or, if there is not enough leave accrued, the amount will be recovered via an acknowledgement of debt payable from the employee's Provident Fund.

6.8. The Maternity Leave Policy also applies up to a maximum of 2 months to a female employee who legally adopts a newborn baby.

6.9. Recommencement will be in the same or a similar position. .

6.10. Notification regarding maternity leave

6.10.1. Employees must submit a doctor's certificate indicating the anticipated date of birth with the leave application form at least four weeks prior to taking leave.

6.10.2. Employees on maternity leave must give the Commission one-month's written notice of their intention to return to work.

6.10.3. Upon return to work the employee must produce the baby's birth certificate & a certificate of fitness to return to work.

6.10.4. Annual leave may be taken during the maternity leave period; while sick leave may not be taken during the unpaid maternity leave, in which case a certificate must be furnished.

6.10.5. Unemployment Insurance Fund Cards will be endorsed for the period of absence so that employees may claim from UIF.

7. PATERNITY LEAVE

7.1. Only members of staff who have been permanently employed for a four (4) months continuous period will be granted three (3) days paternity leave where his wife or partner has given birth.

7.2. Paternity leave should be taken within 2 months after the birth of the baby.

7.3. Application for paternity leave should be accompanied by a copy of the birth certificate or hospital certification.

8. ADOPTION LEAVE

8.1. Employees who adopt a child younger than two (2) years old will be eligible for adoption leave of three (3) working days on full pay for each adopted child when they receive their adopted child.

8.2. If both spouses or life partner are employed by the Commission, both partners will qualify for adoption leave.

8.3. Application for adoption leave should be accompanied by proof:

8.3.1. of the adoption from a registered adoption agency; or

8.3.2. that he/she is the legal Guardian of the child.

9. FAMILY RESPONSIBILITY LEAVE

9.1. Employees who have been in the employ of the Commission for four (4) months are entitled to three (3) days paid family responsibility leave per annual leave cycle.

9.2. The Commission may require reasonable proof of the reason for family responsibility leave.

9.3. Family responsibility leave can be taken under the following circumstances:

9.3.1. when an employee's child is sick;

- 9.3.2. the event of the death of an employee's immediate family member. All employee's are entitled to family leave of three (3) days full pay per occasion may be granted to an employee upon the death of a family member.

10. SPECIAL LEAVE

10.1. All special leave may be granted at the discretion of the Divisional Manager & under the following circumstances:

- 10.1.1. Court cases – when & employee is summonsed to appear in court as a witness or otherwise;
- 10.1.2. Sport or cultural events at national or provincial level (Written proof required) where one (1) day of special leave days will alternate with one day of annual leave days for the period of absence up to a maximum combined leave period of fourteen (14) days, i.e. seven (7) days special leave & seven (7) days annual leave as follows:
 - 10.1.2.1. Where only one day is at issue, the member of staff shall in turn take one day's annual leave & on an ensuing occasion one day's special leave.
 - 10.1.2.2. If the absence amounts to an unequal number of days, the members of staff shall take the majority of the number of days as annual leave & the minority of the number of days as special leave.
 - 10.1.2.3. If the member of staff has no annual leave to his or her credit, the full period of absence shall be regarded as unpaid leave & no special leave is granted.

- 10.2. Applications for special leave must be accompanied by written proof of the event for which the leave is requested.

11. STUDY LEAVE

- 11.1. The Commission staff members are entitled to a maximum of ten (10) days study leave per year calculated on one (1) day's preparation before the examination plus the day of the examination. It is a requirement that:
 - 11.1.1. Both the course of study & the examination are conducted by a registered institute.
 - 11.1.2. Prior approval be granted for the leave concerned, the duration of which must be proportionate with the studies concerned.
 - 11.1.3. The leave must be used for the approved purpose.
 - 11.1.4. In the event where an employee has to write two different papers on the same day, he/she qualifies only for two days to prepare & one day to write the paper.
 - 11.1.5. In the event of supplementary & examinations for repeat courses, study leave entitlement will be halved.
 - 11.1.6. All study leave will be recommended by the HR & approved by the Line manager.
 - 11.1.7. Approval for one (1) day's leave can be applied for in writing for tests that constitute more than 20% of the overall year mark or tests that are written outside of standard examination rules.
 - 11.1.8. All study leave applications must be submitted at least two (2) weeks before the leave is due to commence & must be accompanied by an official examination/ test time-table.

12. TEMPORARY DISABILITY LEAVE

- 12.1. A member of staff whose normal sick leave credits in a cycle have been exhausted & who, according to the relevant practitioner, requires to be absent from work due to a temporary disability, may be granted sick leave on full pay provided that:
- 12.1.1. the employee applying for temporary disability leave has submitted an application form with original medical reports/documents/affidavits to the office of the CEO;
 - 12.1.2. a relevant registered practitioner has duly certified such condition as a temporary disability; &
 - 12.1.3. the medical certificate must specify the recommended period of absence, i.e. indicate a starting & an ending date.
- 12.2. The CEO shall, during thirty (30) working days after receipt of the employee's leave application form, investigate the cause & extent of the employee's inability to perform official duties according to the Provisions of the Labour Relations Amendment Act of 2002.
- 12.3. After assessment of the application, the CEO may refer the employee to an independent medical practitioner (specialist) for a second opinion at the Commission's expense if it is deemed necessary.
- 12.4. Any fruitless expenditure in this regard will be paid by the employee.
- 12.5. Statements & reports required by attending/treating doctors/specialists must be completed & will be at the expense of the employee.
- 12.6. An application for temporary disability leave will not necessarily result in approval of the application or approval of the period of the absence recommended by a medical practitioner. An employee can be ordered to resume duties during the consideration of the application.
- 12.7. Applications for temporary disability leave may result in the consideration of ill-health retirement according to the medical condition of the employee.
- 12.8. When a decision has been made on the period of absence, the validity of the period & the date on which duties must be resumed, a further sick leave certificate for the same condition will not be accepted & any absence will be regarded as unauthorised

13. PERMANENT DISABILITY LEAVE

- 13.1. Members of staff whose degree of disability has been certified as permanent shall, with the approval of the CEO, be granted a maximum of thirty (30) working days paid sick leave, or such additional number of days required by the CEO to finalize the process set out below:
- 13.1.1. The CEO shall, within thirty (30) working days, ascertain the feasibility of –
 - 13.1.1.1. alternative employment; &/or
 - 13.1.1.2. adapting duties of work circumstances to accommodate the disability.
- 13.2. If the CEO & the member of staff are convinced that the member of staff would not be able to permanently perform any type of duties at her or his level or rank, the CEO shall notify the HR Manager to proceed with application for ill health benefits in term of the rules of the Provident fund.

14. UNPAID LEAVE

14.1. Leave taken without prior approval & in the absence of a valid reason will be considered to be unauthorised & will be treated as unpaid leave & may lead to disciplinary action.

14.2. The granting of annual leave without pay is limited to 30 working days per annum & the employee applying for the leave must do so in writing.

14.3. Leave without pay can only be taken if an employee's annual or sick leave with full pay is exhausted.

15. LEAVE FOR UNION REPRESENTATIVES (OFFICE BEARERS/ SHOP STEWARD)

15.1. Employee representatives of recognised employee organisations shall receive up to ten (10) working days paid leave per annum to attend training courses, seminars or conferences organised & authorised by the Union provided the representatives:

15.1.1. are not absent from the workplace for more than three (3) consecutive working days at a time; &

15.1.2. such leave does not conflict with the representatives' normal work duties.

15.2. All applications in this regard must be supported by relevant documentation & should follow the normal leave application procedures set out in section 6 above.

16. DESERTION

16.1. An employee will be regarded as having deserted if he/she is absent from work for five consecutive working days without prior notification or permission.

16.2. The Commission may terminate the employee's contract if it is satisfied beyond reasonable doubt that the employee has absconded for a period of five consecutive days as the employee will be deemed to have resigned without notice.

17. RESPONSIBILITIES

17.1. Line Managers are responsible for:

17.1.1. managing a balance between ensuring that employees take at least 15 days of their annual leave entitlement within the year in which it accrues whilst maintaining a crucial mass of human resources to deliver the required services to stakeholders at all times;

17.1.2. monitoring & managing all leave as required in the policy; &

17.1.3. issuing sanctions & taking disciplinary action where there are instances of abuse of the leave provisions or breaches of the leave policy.

17.2. **The HR Unit's responsibilities** include:

- 17.2.1. overseeing the Commission's Leave Policy for leave provision purposes & payroll records;
- 17.2.2. monitoring & reporting monthly to management on leave statistics, patterns & trends
- 17.2.3. alerting employees & their line managers to annual leave balances in excess of 21 days & sick leave balances of less than 6 days.

17.3. **Employees' responsibilities** include:

- 17.3.1. Adhering to the policy timelines and procedures for requesting leave, reporting illness, providing evidence where required;
- 17.3.2. Planning with the line manager the delivery of the tasks, duties & services during the leave period.

1. **PURPOSE:** The purpose of this policy is to set out the conditions of employment of the Commission in relation to:

- 1.1.1. working hours,
- 1.1.2. flexi-time conditions; &
- 1.1.3. the eligibility criteria & conditions for paid overtime work.

2. **POLICY PROVISIONS & ROLES/RESPONSIBILITIES**

2.1.1. Full time employees are expected to work a five day week & to be on duty on each working day for a minimum of eight hours & work a minimum of 40 hours per week.

2.1.2. Temporary, part-time & casual employees will work the number of hours per day/week as specified in their employment contracts or letters.

2.1.3. The normal working week is from Monday to Friday.

2.1.4. Normal Office Hours are:

Monday to Thursday	08:00 – 16:30
Fridays	08:00 – 15:00
Lunch:	13:00 – 13:45

2.1.5. Flexi-Time

- a) The SAHRC is committed to creating flexible working time by means of managing peaks & lows of work more efficiently & effectively whilst ensuring that the needs of the users & /or the public always receive first preference.
- b) Although the use of flexi-time/working hours depends to a large extent on the operational requirements or circumstances within Programmes, care must be taken that all SAHRC offices are open during normal office hours with sufficient employees on duty to provide a service to the public & the social partners.
- c) Flexi-time arrangements may be approved by the Line Manager after he/she has considered the needs of the users & /or the public, the business unit & those of employees.
- d) Additional arrangements must be made whenever flexible working hours are used where continuous services are rendered throughout the normal working hours, such as the switchboard, reception, secretarial & other services.
- e) Employees who fail to observe the official office hours &/or arrangements will be dealt with in terms of the Disciplinary Code & Procedure & will be denied the opportunity of participating in any flexi-time arrangements in future.

5. OVERTIME

5.1 Overtime Determination

- 5.1.1 Only work performed in excess of the prescribed hours of work (see 4.1 above) & which has been authorised by the CEO (CEO) may be considered for overtime compensation for those employees who earn below the legislated threshold for overtime pay .
- 5.1.2 Overtime hours worked may not exceed three hours in one day; or ten hours in one week.
- 5.1.3 Duties performed by employees during periods of leave are not considered for purposes of the overtime compensation.
- 5.1.4 The line manager should determine, (with due consideration of the circumstances & after consultation with the employee concerned), whether overtime work should be awarded time off or recommended to the CEO that it be considered for compensation.
- 5.1.5 Paid overtime work will be authorised only if sufficient budgeted funds are available.

5.2 Paid Overtime

- 5.2.1 Applications for paid overtime must be fully motivated & must include:
 - a) An explanation of what work will be performed & why the work cannot be performed during normal working hours;
 - b) the total number of overtime hours requested;
 - c) the start & end date of the overtime work arrangement.
- 5.2.2 Applications must be submitted to the HR Unit for processing.
- 5.2.3 Overtime pay is calculated by multiplying the total number of hours of overtime duty performed with one & one third of an employee's normal hourly remuneration.
- 5.2.4 The overtime rate for Sundays & for the hours between 20h00 & 06h00 is two times the employee's normal hourly remuneration.

5.3 Awarding Time Off in lieu of Payment for Overtime Worked

- 5.3.1 Overtime hours can be taken as time off in lieu of payment subject to agreement with the staff member.
- 5.3.2 Time off will be equivalent to the amount of time worked as overtime, for example, one (1) hour worked = 1½ hours pay (90 minutes off for 60 minutes worked as overtime).

5.4 Control of Paid Overtime

- 5.4.1 Approval for paid overtime will be valid for a period of one month, & may be extended up to a maximum period of three months to ensure a continuous review of projects & work demands.
- 5.4.2 Divisional Managers are responsible for budgeting for overtime to be worked in a particular year.
- 5.4.3 The line manager must ensure that:
 - a) there is adequate supervision & control during the performance of paid overtime duty;
 - b) paid overtime work is not authorised for less busy periods, when the workload does not warrant it;

- c) the records of all overtime work are kept; & that
- d) the overtime hours worked do not adversely influence the quantity & quality of work performed during normal working hours.

5.5 General Measures

- 5.5.1 Overtime work is reserved for essential projects/functions only, i.e. those that cannot be postponed without serious consequences for the SAHRC.
- 5.5.2 Applications have to be made in advance & approval granted in advance.
- 5.5.3 Claims for paid overtime duty will be rejected if the period of overtime duty claimed falls outside the approved start & end date.
- 5.5.4 Claims for paid overtime duty will be rejected if the amount that has been authorised is exceeded.

1. DEFINITION

Resettlement is the compensation of a person for reasonable actual expenses, or part thereof, which necessarily arises from being relocated by the SAHRC, at the Commission's expense.

2. RESETTLEMENT OF AN EMPLOYEE:

The Commission shall meet, within reason, actual resettlement costs within the country, incurred by an employee & his/her immediate family as a result of appointment by the Commission.

COSTS ASSOCIATED WITH A TRANSFER:

3.1 Travel & subsistence:

All flight bookings will be for economic class.

3.2 Transportation & storage of household & personal effect.

3.2.1 An employee is expected to arrange for his/her household & personal effects to accompany him/her on the date of transfer. If valid reasons exist this cannot be done, he/she must, prior to the date of transfer, submit a written application that his/her household &/or personal effects be postponed.

3.2.2 The transport of animals is not done at the Commission's expense.

3.2.3 The personal effects of the employee may be stored for two calendar months (only in exceptional instances, with prior approval, storage for a maximum of 6 months could be considered).

3.3 Interim Accommodation

3.3.1 Expenses covered:

- a. Accommodation & meals,
- b. Washing, dry cleaning & laundry
- c. Parking & non-alcoholic beverages

3.3.2 As an interim measure, the Commission makes all hotel bookings at 3-star (or lower) establishments.

3.3.3 Period: one calendar month (or in exceptional cases, with prior approval by the CEO, to a maximum of three months).

3.4 Expenditure on New School Books, Uniform & Related Costs

The amount payable to compensate transferred employees for new school books, uniforms & related cost will be as set out in the annual directive from the DPSA. This amount is based on the Consumer Price Index.

3. RESETTLEMENT PRIVILEGES NEW APPOINTEES

The employer pays the reasonable actual costs of relocation of a newly appointed employee to his/her place of work.

4.1 Costs associated with an appointment

4.1.1 Travel by employee & her/his immediate family.

4.1.2 Transport, insurance & one month's storage for personal & household goods.

4.1.3 Interim accommodation

4.2 Expenses

4.2.1 Accommodation & meals

4.2.2 Washing, dry cleaning & laundry,

4.2.3 Parking & non-alcoholic beverages.

4.3 As an interim measure, the Commission makes all hotel bookings. Hotel bookings are at a 3 star (or lower).

4.4 Period: one calendar month (or in exceptional cases, with prior approval, to a maximum of three months) period:
one calendar month (or in exceptional cases, with prior approval by the CEO, to a maximum of three months).

4.5 The person making use of these benefits will be bound contractually, in writing, for 12 months. In case of breach
construct, a pro rata portion amount paid, in respect of the unexpired period must be paid back.

1. BACKGROUND

The Commission has been recognizing & appreciating the long service rendered by its staff through the awarding of the Certificates & Gifts. This long Service recognition covers staff members who have completed a five, ten, fifteen, twenty years of service with the Commission & more. There has been no formal policy governing management of these long service awards. However, this is a long established practice, well known to members of staff. For continuity, consistency & proper administration purpose the following policy is being recommended:

2. PURPOSE OF THE POLICY

- 2.1 Recognize & appreciate long serving staff members of the Commission.
- 2.2 Enhance the motivation & retention of staff within the Commission.
- 2.3 Streamline & standardize the administration practices relating to the awarding of these awards.
- 2.4 Ensure effective, efficient, economical & transparent application of this policy.

3. POLICY GUIDELINES

Only permanent staff who have completed a period of service with the Commission ranging from five, ten, fifteen & more will be recognized & appreciated according to the provisions of this policy.

4. CATEGORIES OF AWARDS

The following awards will be granted according to the following categories:

- Category A:* Employees who have completed five years will be eligible to receive a certificate of long service & a quarter Kruger Rand.
- Category B:* Employees who have completed 10 years will be eligible for a half Kruger Rand, certificate of long service & a framed emblem of the Commission.
- Category C:* Employees who have completed 15 years & more will be eligible for a full Kruger Rand, a certificate of long service & appropriate gift to be recommended by HR.

5. PRESENTATION OF AWARDS

- 5.1 The recipients of the long service awards will appear before the last plenary meeting of the Commission of each subsequent financial year for recognition & appreciation for the presentation of their awards.
- 5.2 The long service award ceremony will be conducted by the CEO & the Chairperson of the Commission.

6. RESPONSIBILITIES

- 6.1 The HR Department will be responsible for the following:
 - 6.1.1 identifying nominees for the long service awards;
 - 6.1.2 budgeting & the administration of the awards; &
 - 6.1.3 any other incidental matters.

GENERAL PRINCIPLES

- A. The Commission is committed to providing a working environment should support effective & efficient service delivery while, as far as reasonably possible, taking employees' personal circumstances, including Disability, HIV & AIDS & other health conditions into account.
- B. The Commission has an employee wellness programme with mechanisms for confidential advice & support for all employees & their families.

OCCUPATIONAL HEALTH & SAFETY**1. POLICY:**

- 1.1. The personal safety & health of each employee of this Commission is of primary importance.
- 1.2. The policy of the Commission is to maintain a safe & healthy working environment at all times, & to comply with is a management priority & will be given precedence in all operational matters.
- 1.3. The Commission should not knowingly allow unsafe conditions to exist, or permit employees to participate in unsafe & unhealthy activities.
- 1.4. The prevention of occupational induced injuries & illnesses.

2. PURPOSE:

To provide methods for evaluation & maintenance of a safe working environment to outline procedures for handling injuries & subsequent reporting requirements.

3. RESPONSIBILITIES:

- 3.1. The CEO should examine & certify the annual summary of work-related injuries & illness report.
- 3.2. The HR Officer should act as the Commission's designated Safety Coordinator & will be responsible for implementing & maintaining the Commission's safety programme as well as inspecting the supplies in the first aid kit.

4. PROCEDURE:**4.1. Worksite Analysis**

- 4.1.1. A safe work environment must be everyone's goal. Accordingly, all employees are encouraged to evaluate their work methods & areas for potential safety hazards &/or ideas for improving safety in their work environment. Employees with ideas for accident prevention should advise their line managers & forward to the Commission's Safety Coordinator for follow up.
- 4.1.2. On an annual basis, the Commission should conduct a thorough self-inspection to identify any potential safety hazards & create a formal action plan for improving the safety of operations. The Safety Coordinator should work in conjunction with each Divisional Manager to inspect his or her areas & complete Safety Coordinator & each Divisional Manager should review for additional items or areas that may not be addressed by the checklist.

- 4.1.3. The annual inspection should be completed within thirty days after each calendar year.
- 4.1.4. Any safety concerns or hazards discovered should be documented & forwarded to the Safety Coordinator.
- 4.1.5. The Safety Coordinator is responsible for completing the plan & arranging a meeting with Divisional Managers to review the safety issues raised & to implement a plan to address or resolve each issue.
- 4.1.6. The meeting should also review & evaluate the Commission's safety program.
- 4.1.7. Policies & procedures should be updated to reflect changes & corrections that were made throughout the year.

4.2. Hazard Prevention & Control

The Divisional Managers should be responsible for creating & maintaining safe Work procedures necessary to prevent & control hazards that have been identified through the worksite analysis.

4.3. Fire Prevention

- 4.3.1. All employees are instructed to be continuously aware of fire prevention even though the Commission does not engage in activities that present a high fire danger. Smoking will be in designated break areas only.
- 4.3.2. All flammable liquids will be stored in a storage cabinet that is specifically designated for these products. A sufficient number of fire extinguishers will be available throughout the facility, & will be clearly marked.
- 4.3.3. Fire extinguishers, exit doors, exit signs, passageways & means of emergency exit shall be inspected periodically by the Safety Coordinator to ensure that they are working properly & unobstructed.

4.4. Medical Emergencies

- 4.4.1. A comprehensive first aid kit should be kept at the HR Department.
- 4.4.2. Emergencies or injuries that require medical care but not life threatening & can be safely transported by automobile should be treated at the local health care facility.
- 4.4.3. A local emergency rescue service should be called for any serious life-threatening injuries, & for transporting injured employees that cannot be safely transported by automobile.

4.5. Workplace Safety Training

- 4.5.1. Divisional Managers should include workplace safety training in their new or transferred employee orientation.
- 4.5.2. Training should include review of the Workplace Safety & procedures & the Department specific work safe procedures.

1. INTRODUCTION

The fundamental principal is that HIV & AIDS should be treated like other comparable life-threatening diseases. The Commission, through this policy document, commits itself to equal opportunities in the Commission & recognizes that in South Africa racial oppression, economic hardship & poverty have all contributed to the AIDS epidemic, which affects millions of our citizens. The human rights & dignity of HIV-infected persons, with AIDS, & workers with HIV-infection who are healthy should be treated the same as any other workers. Employees with HIV/AIDS want to continue working, which enhances their physical & mental well-being, should be enabled to contribute their creativity & productivity in a supportive occupational setting.

2. HIV AS A DISABILITY

In South Africa HIV is defined as a disability.

3. EMPLOYMENT:

Employees need to be empowered with the necessary knowledge & skills on how to treat & relate with HIV-infected employees.

4. PURPOSE

To achieve EE & to protect the human rights & dignity of HIV-Infected employees & employees living with AIDS, & to avoid discriminatory action against & stigmatization of them in the provision of employment.

5. THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION IS COMMITTED TO:

- 5.1. Promoting equality, freedom, fairness & respect for human rights
- 5.2. Ensuring equality in & before the law for all persons without discrimination
- 5.3. Treating staff equitably & ensuring the development of an affirming work environment with career advancement possibilities for all regardless of race, gender, sexual orientation, status, cultural background, political affiliation, religious affiliation or disability, etc.
- 5.4. Implementing the equality provision in the Constitution in all areas of social justice.

6. FOR THESE REASONS THE COMMISSION IS COMMITTED TO A PROCESS OF:

- 6.1. Non-discrimination, equal opportunities & equal access for employees with HIV
- 6.2. Ensuring non-discrimination against people with HIV in the administration of justice
- 6.3. Respecting the right to confidentiality of staff suffering from HIV & AIDS
- 6.4. Developing resources & education programmes for all employees on how to prevent HIV infection, as well as distribution of condoms.
- 6.5. Creating a working environment that is supportive, sensitive & responsive to employees with HIV
- 6.6. Not using HIV status as a consideration in decisions concerning the employment, promotion, training or career pathing, etc. of any staff member.
- 6.7. Protection for people /staff infected with HIV/AIDS
- 6.8. Ensuring that the same benefits be provided to all employees
- 6.9. Ensuring the employees with HIV/AIDS have the same rights & duties as other employees
- 6.10. Setting mechanisms to deal with grievances & conflicts relating to HIV/AIDS
- 6.11. Fairness to all employees & to empower them so that they can help to strengthen the system.

7. ACTION PLANS & PROGRAMMES

- 8. Action plans & programmes will be designed around the areas of sensitizing its staff, then to be supportive & finally responsive to the needs of the Commission. Programmes must be implemented before HIV-related questions arise in the workplace.

9. BUDGET/RESOURCES

The South African Human Rights Commission commits itself in making the resources available to ensure that the policy will be implemented.

1.1.1 PRINCIPLES

The employment practices of the Commission aim to ensure EE, fairness, efficiency, the achievement of a representative Commission & compliance with the relevant labour legislation. The employment practices are designed to maximize flexibility, minimize administrative burdens on both the Commission & employee, & generally prevent waste & inefficiency.

1.1.2 RECRUITMENT & APPOINTMENT POLICY & PROCEDURES

1. GENERAL

1.1. The Commission:

- 1.1.1. may appoint employees on a permanent or temporary basis, either full-time or part-time;
- 1.1.2. may, where the employment is temporary, appoint an employee under a special contract, on a casual basis or on a seasonal basis;
- 1.1.3. may appoint a casual employee for a period not exceeding 12 months;
- 1.1.4. may require an employee to be subjected to security clearance where the duties attached to the post are such as to make security clearance necessary; &
- 1.1.5. shall provide each employee upon appointment, a written contract of employment.

1.2. Employment contracts

All employees are required to sign an employment contract.

1.3. Re-appointment of former employees

- 1.3.1. The Commission will not re-appoint a former employee where-
 - 1.3.1.1. the former employee left the Commission earlier on the condition of not accepting or seeking re-appointment;
 - 1.3.1.2. the original grounds for termination of service militate against re-appointment; or
 - 1.3.1.3. the former employee left the Commission due to ill health & cannot provide recent & conclusive evidence of recovery as confirmed by an independent registered medical practitioner paid for by the Commission.

1.4. Acting in higher posts

- 1.4.1. A divisional manager may only compensate an employee for acting in a higher vacant post with the written approval of the CEO.
- 1.4.2. A divisional manager may also compensate an employee for acting in a post due to the actual incumbent of the post acting in a higher vacant post, provided that no more than two employees may simultaneously be compensated as a result of a single vacancy.
- 1.4.3. An employee shall not act in a higher vacant post for an uninterrupted period exceeding 12 months.

2. RECRUITMENT

2.1. Requirements for employment

- 2.1.1. A Divisional Manager shall determine composite requirements for employment in any post on the basis of the inherent requirements of the job.
- 2.1.2. A Divisional Manager shall-

- 2.1.2.1. record the inherent requirements of a job;
- 2.1.2.2. ensure that the requirements for employment do not discriminate against persons historically disadvantaged; &
- 2.1.2.3. comply with any statutory requirement for the appointment of employees.

2.2. Advertising

- 2.2.1. A Divisional Manager in collaboration with HR shall advertise vacant posts to reach, as efficiently & effectively as possible, the entire pool of potential applicants, especially historically disadvantaged people.
- 2.2.2. Recruitment advertisements shall specify the inherent requirements of the job, the job title & core functions.
- 2.2.3. Any vacant post in the SMS is advertised nationwide.
- 2.2.4. A Divisional Manager shall advertise any other vacant post within the Commission as a minimum, but may also advertise the post outside the Commission either nationwide or locally.
- 2.2.5. A Divisional Manager may fill a vacant post without advertising the position if-
 - 2.2.5.1. the business unit can absorb into the post an employee who was appointed under an affirmative action programme, if she or he meets the requirements of the post;
 - 2.2.5.2. the business unit plans to fill the post as part of a programme of laterally rotating or transferring employees to enhance organizational effectiveness & skills.
- 2.2.6. A Divisional Manager may use an appropriate agency to identify candidates for posts, as long as the advertising & selection procedures comply with C2.1 to C.2.3 above.
- 2.2.7. The CEO may issue directives regarding the manner in which vacancies must be advertised within the Commission.

3. SELECTION

- 3.1. The CEO shall appoint a selection committee⁴ to make recommendations on appointments to posts. The selection committee shall consist of at least two members who are employees of a grading equal to or higher than the grading of the post to be filled or suitable persons from outside the Commission.
- 3.2. The chairperson of the selection committee, is an employee & of a grading higher than the post to be filled.
- 3.3. A selection committee shall, where possible, include adequate representation of historically disadvantaged persons.
- 3.4. Employees of a grading which is lower than the grading of the post to be filled may provide secretarial or advisory services during the selection process, but shall not form part of the selection committee.
- 3.5. The selection committee is required to make a recommendation on the suitability of a candidate after considering the:
 - 3.5.1. information based on valid methods, criteria or instruments for selection that are free from any bias or discrimination;
 - 3.5.2. training, skills, competence & knowledge necessary to meet the inherent requirements of the post;
 - 3.5.3. needs of the Division for developing human resources;

⁴ Included in updated Recruitment Policy (draft for discussion)

- 3.5.4. representativeness of the component where the post is located; &
- 3.5.5. Commission's EE Policy.
- 3.6. A selection committee shall record the reasons for its recommendation.
- 3.7. The CEO is required to:
 - 3.7.1. decide on all appointments & the filling of posts after considering the extent to which the candidate qualifies for the post & that the claims in the application for the post have been verified; &
 - 3.7.2. record the decision in writing.

4. PROBATION

- 4.1. Employees who are employed for a period not exceeding one year, do not serve a probationary period.
- 4.2. The line manager of a probationer shall ensure that-
 - 4.2.1. the probationer, at the commencement of the probationary period, knows the performance & other requirements for obtaining confirmation of probation;
 - 4.2.2. the probationer, on a quarterly basis, receives written feedback on her or his performance & compliance with other requirements;
 - 4.2.3. if necessary, the probationer receives training, counselling or other assistance to meet the requirements for confirmation;
 - 4.2.4. the probationer receives written confirmation of appointment at the end of the probationary period if she or he has been found suitable for the relevant post; &
 - 4.2.5. when dismissal as a result of poor performance is considered, the probationer is afforded the opportunity to state her or his case, during which process the probationer may be assisted by a fellow colleague or an internal trade union representative.

1. PURPOSE

- 1.1. The purpose of probation is to determine whether the employee is suitable for the job.
- 1.2. Instruction, training, guidance, or counselling should be provided to assist probationers to achieve the required level of performance.
- 1.3. The Commission may dismiss a probationer or extend a probationary period if the probationer is unable to perform according to the required standard.
- 1.4. The LRA provides that, the employer has to meet a lower burden in establishing the fairness of a dismissal on the grounds of incompatibility or a failure to meet work standards. The Commission would still have to conduct a fair dismissal procedure.

2. PROCEDURE

- 2.1. Performance management begins from the first day of employment.
- 2.2. The new employee should be provided with the **job description**⁵ by the line manager, together with the contract of employment provided by HR, which should be discussed & signed off within the **first week** of employment & submitted to HR for filing.
- 2.3. The **first month** of probation should include an **induction programme** during which the new employee is introduced to the policies, procedures, systems, & all elements related to the performance management system.
- 2.4. The new employee should undergo an **initial competency evaluation** by the line manager using the standard competency checklist from entry level up to & including the competencies for the position to identify shortcomings & to plan training interventions.
- 2.5. A probationary **Personal Development Plan** (PDP) should be compiled by the line manager & used as part of the probationary evaluation to confirm or decline appointment.
- 2.6. Line managers must assess newly appointed employees at least three times during their probationary period.
- 2.7. Line managers must provide a detailed **assessment report** on the delivery of the PDP & the general conduct of the probationer to HR at the end of the probationary period to support the decision to: appoint; extend the probationary period; or initiate a dismissal process with the assistance of the HR Programme.
- 2.8. A standard **performance agreement** & PDP should be signed by the new employee if performance during the probationary period was assessed as satisfactory by the line manager & employment is confirmed in writing by HR.

⁵ The Job Description & Job Profile are not Performance Agreements. The Job Description is the general overview of key performance areas related to the position, which provides the date of employment, the position, performance areas, activities, result performance indicators, performance criteria, & performance plan & reporting lines.

1. PURPOSE:

- 1.1. The purpose of this plan is to establish direction for the Senior Management in the event of change in the composition of its members as change in the Senior Management team is inevitable for all organizations & it remains a challenge.
- 1.2. The goal of the Succession Policy is to develop individuals in competencies & skills necessary to meet the future needs of the Commission. A Personal Development Plan will be used to guide individuals to advance to higher levels of responsibility.

2. POLICY

- 2.1. The Commission shall:
 - 2.1.1. prepare for change in leadership, either planned or unplanned, to ensure the stability & accountability until such time as new leadership is identified.
 - 2.1.2. assess the permanent leadership needs of the organization to help the selection of qualified, capable leadership representative of the whole community.
 - 2.1.3. assess its leadership needs to ensure the selection of qualified leaders with a good fit for the Commission's mission, vision, values, goals & objectives.
 - 2.1.4. appoint an acting CEO, where such a gap occurs to ensure that the organization's operations are not interrupted while the Commission assesses the leadership needs.
- 2.2. The acting CEO shall ensure that the Commission continues to operate without disruption & that all commitments previously made are adequately executed, including, but not limited to loans approved, reports due, contracts, licenses & others.
- 2.3. Individuals appointed to Senior Management positions are expected to continually add value to the Commission by preparing to assume increased responsibilities in scope & complexity.
- 2.4. It is critical that all employees identified for this purpose have individualized professional development plans that focus on developing skills & knowledge areas required for future leadership positions.
- 2.5. Succession Planning is a component of strategic planning & must, therefore, incorporate & balance elements consistent with the Commission's EE Plan, Staffing Plan processes & resource allocation strategies.
- 2.6. The succession planning process will indicate gaps in positions that require a highly specialized level of technical knowledge & skill.
- 2.7. A succession plan does not guarantee employees entitlements to positions, promotions, or transfers. Employees will have to compete for vacant positions participating in the recruitment process as outlined in the Commission Policies & Procedures & the EE Plan.
- 2.8. The succession plan should rely significantly on the exiting staff as its principal source of qualified candidates for the positions of CEO & other management levels, unless there are qualified candidates from outside the Commission.

3. PROCEDURES FOR SUCCESSION:

- 3.1. For a temporary change in Senior Management (i.e., illness or leave of absence) only the CEO, guided by the succession plan of that particular Division will appoint an acting Divisional Manager.
- 3.2. In event the Divisional Manager is no longer able to serve in this position (i.e., leaves the position permanently), the CEO will appoint an acting Divisional Manager guided by the succession plan of that particular division.
- 3.3. In the event that the CEO is no longer able to serve in this position (i.e., leave the position permanently), Commissioners will appoint an acting CEO.
- 3.4. It is the responsibility of each division to ensure that the incumbent develops, implements, & maintains a succession plan.
- 3.5. Divisional Managers are responsible for the development, implementation, review & evaluation of succession plans in their respective area on an annual basis.
- 3.6. Divisional Managers shall review the Commission's strategic plan & conduct a brief assessment of the strengths, weaknesses, opportunities & threats to identify priority issues that may need to be addressed during the transition process & to identify attributes & characteristics that are important to consider in the selection of the next permanent leader.
- 3.7. The HR Unit will provide on-going training for managers, implement succession plans, conduct training needs assessment, as well as opportunities for training & professional development.
- 3.8. Divisional Managers shall develop Succession plans in line with the Performance Management System & the Staff Development Policy.

4. IMPLEMENTATION/ACTION

- 4.1. The succession plan shall remain confidential to avoid any misunderstandings & to allow a continuing review of the succession process.
- 4.2. The ultimate accountability for the implementation & evaluation of the plan is the prerogative the office of the CEO.

PRINCIPLES

The Commission is building a strong performance management culture that provides a target driven, motivating, & open work environment for all. The primary objective of the outcomes-based performance management system is to effectively integrate all elements of human resource management with the Commission's wider business to deliver on its vision, mission, & strategic objectives.

1. PURPOSE

The purpose of the Performance Management Policy is to:

- 1.1. ensure the Commission delivers on its mandate & strategic objectives;
- 1.2. develop & promote effective organisational performance;
- 1.3. promote & maintain a performance culture in the organisation at every level of operation;
- 1.4. provide a link between individual & team performance with the achievement of strategic performance objectives;
- 1.5. promote a common understanding of performance objectives & the role both managers & employees play in achieving them;
- 1.6. regulate the performance of all employees & recognise employee contributions to achieve sustainable improvements in organisational, team & individual performance;
- 1.7. develop constructive & open relationships between employees & their managers through continuing dialogue about the work done throughout the year;
- 1.8. ensure that employees are continuously aware of performance at all levels;
- 1.9. enable employees to develop the competencies required of them to perform their current jobs;
- 1.10. ensure the ongoing review of training & development progress;
- 1.11. provide opportunities for employees to express their work aspirations & concerns; &
- 1.12. provide a basis for rewarding people in relation to their contribution.

2. POLICY

The Commission's Performance Management Policy is to:

- 3.1. direct the Commission's resources towards fulfilling its mandate & achieving its strategic objectives;
- 3.2. align the Commission's performance objectives from the Strategic Plan, through the Annual Performance Plan & Operational Plans to the performance targets in individual Performance Agreements;
- 3.3. synchronise the Performance Management System & Cycle with the Commission's Performance Monitoring, Evaluation & Reporting System & Cycle;
- 3.4. review & revise annually the outputs, performance indicators, & targets to accommodate the changing needs of the organisation;
- 3.5. recognise actual performance against the annual targets in the Annual Performance Plan & Operational Plans throughout the Commission, i.e., at the organisational or divisional level, at the department or business unit level & at the individual level;

- 3.6. develop employees' competence to achieve the organisation's objectives;
- 3.7. ensure that the performance system is practical & easy to understand & implement; &
- 3.8. apply the policy consistently at all levels.

3.9. Individual Performance Management & Assessment

3.9.1. Performance management at the individual level promotes a shared understanding of:

- a) the expected performance outputs & the targets associated with these;
- b) the achievement of those targets;
- c) performance monitoring & evaluation; &
- d) the value of identifying competency gaps to facilitate the mastery of required skills or knowledge.

3.9.2. Performance assessment will be transparent & can be openly challenged & defended;

3.9.3. Performance assessment is evidence based.

3.9.4. The final assessment ratings for the year will be moderated⁶ for fairness, consistency, & appropriate reward distribution across the organisation, in line with the assessment guidelines provided for the period under review.

3.10. Personal Development:

3.10.1. Personal development is monitored & managed using a personal development plan;

3.10.2. Ongoing coaching & mentoring is used to address gaps in the core competencies required in the job incumbent's position &

3.10.3. The minimum requirement is an informal discussion on PDP progress on a six-monthly basis.

3.11. Performance-Linked Rewards:

3.11.1. Performance-linked rewards in the form of incentive bonuses, &/or salary increases &/or non-financial rewards may be issued:

- a) annually after the performance stipulated in the performance agreement has been demonstrated at the appropriate level for the annual cycle; or
- b) on a six-monthly basis for employees on formal development programmes, if they have successfully demonstrated the achievement of the level of performance required within the last six-month period of that programme.

3.11.2. Eligibility criteria for the annual performance bonuses & /or salary increases are that employees:

- a) have been employed in the Commission for the full annual cycle;
- b) excel in their contribution to the organisation's objectives;
- c) are not on a development programme; &
- d) are still in the employ of the Commission at the time that rewards are issued.

⁶ This committee may be a sub-committee of the envisaged HR Committee. The Performance Management Committee conducts & co-ordinates the moderation process.

3.11.3. Eligibility criteria for six-monthly development programme performance-linked rewards are that the employee:

- a) is on an approved development programme & has a signed personal development plan;
- b) is assessed as competent in terms of the full set of performance standards stipulated in the development programme for the six-month period under review.

3.11.4. The value of the performance incentives will be determined annually depending on budget availability & the levels of performance achieved.

3.11.5. Employees who qualify for a salary increase but who have reached the ceiling of the salary band for their position will be paid a once-off performance bonus, equivalent to that increase.

3.12. Performance-Linked Sanctions:

3.12.1. Performance deficiencies will be managed by the line manager through corrective, progressive intervention.

3.12.2. Persistent poor performance may result in re-deployment, demotion, or dismissal.

3.12.3. Sanctions will be levied against any line manager who does not follow the provisions of the Performance Management System.

3.13. Performance Management Disputes:

3.13.1. Where a dispute arises as to the interpretation of the content of the standard performance agreement for that position, the employee is entitled to take the matter to the next level of management within seven (7) days of the dispute arising, in the presence of the line manager, for a final interpretation.

3.13.2. Where the employee & line manager fail to agree on an annual performance rating:

- a. the line manager must make a note to this effect on the Performance Assessment form submitted to the HR Department.
- b. the Performance Management Committee will consider both the line manager & employee scores in the moderation exercise & provide guidelines for the re-evaluation & re-submission within seven (7) days by the line manager & employee.
- c. In the event that the employee & the line manager have still failed to agree on the annual performance rating in the re-submitted evaluation, the Performance Management Committee will make note of this in their report. The Chief Operating Officer, Chief Financial Officer & Head of Strategic Support & Governance will make a final recommendation for consideration & a final decision by the CEO.

3.13.3. The grievance resolution procedure of the SAHRC will apply for any other disputes (allowing for reasonable response times), after which an employee should follow the provisions of the LRA.

3.14. Performance Management Responsibilities

3.14.1. **Employees' responsibilities are to:**

- a) communicate to their line manager work-related aspirations & concerns;

- b) deliver on their performance agreements;
- c) deliver on their PDP;
- d) prepare for, & participate in the performance contracting & evaluation meetings; &
- e) submit valid evidence showing proof of achievement of set targets on each output contained in the performance agreement & PDP.

3.14.2. Line managers' responsibilities are to:

- a) deliver on a performance agreement which comprises two components, namely:
 - I. their division, department or business unit's performance targets; &
 - II. generic Core Management Standards;
- b) ensure that all new employees are orientated to the performance system in the first month of employment resulting in a:
 - I. signed performance agreement; &
 - II. PDP based on the initial competency evaluation;
- c) manage their staff's performance on a daily basis;
- d) address performance issues as & when these arise;
- e) develop standard performance agreements for each position that state the expected performance targets & performance indicators in measurable terms;
- f) ensure that the outputs & targets for each position are relevant to the grade level & job contents of the position in relation to the operational plan;
- g) ensure that the standard forms (Performance Agreement & Performance Evaluation Form, & PDPs) are used at all times during the planning & reviewing process;
- h) facilitate fair performance evaluation by ensuring that the performance information for their division, department or business unit is accurate, current & complete at all times;
- i) conduct formal performance reviews on a six-monthly basis, i.e. a mid-term evaluation in October & a year-end evaluation in April/May of each year;
- j) identify appropriate developmental interventions & training needs; &
- k) assess the effectiveness of the coaching, mentoring or training provided.

3.14.3. HR Department responsibilities are to:

- a) advise, guide & train management & staff on the application of this policy & associated procedures;
- b) be the custodian of the Performance Management System, i.e., monitor, evaluate, review & revise the policy & procedures;
- c) keep accurate, current, & complete records for the Commission of all individual level performance management activities & outcomes.

3.14.4. Performance Management Committee responsibilities are to:

- a) provide performance evaluation guidelines twice a year (mid-year & at year-end) based on the performance of the organisation, programmes & sub-programmes to provide the context to be considered by management & staff when preparing their evidence for their performance evaluation meetings;
- b) conduct an annual moderation exercise on the individual assessment ratings & make recommendations on the reward allocation for the year;
- c) provide guidance to employees & line managers on how to revisit the annual performance appraisal with a view to reaching consensus;
- d) review the performance indicators & targets in Performance Agreements & Performance Appraisal Forms against best practice criteria, e.g. SMART statements;
- e) monitor the progress & outcomes of all performance-linked disputes; &
- f) make recommendations to senior management concerning the improvement of the performance management system.

4.14.5 Senior Management responsibilities are to:

- a) provide the performance monitoring, evaluation & reporting strategy & system within which performance at every level can be managed.

5. APPLICABLE / REFERENCED DOCUMENTS

- 5.1 Performance Management Manual –Procedures
- 5.2 Performance Monitoring, Evaluation & Reporting Policy
- 5.3 Staff Development Policy
- 5.4 Strategic Plan
- 5.5 Annual Performance Plan
- 5.6 Operational Plans

1. PURPOSE:

It is the policy of the Commission to:

- 1.1. develop & advance all employees;
- 1.2. ensure the continued effectiveness & efficiency of the Commission;
- 1.3. facilitate & enhance the acquisition of skills, knowledge & related qualifications employees need to perform effectively the duties & responsibilities for which they are employed;
- 1.4. develop employees' potential to meet the future HR needs of the Commission;
- 1.5. provide a co-ordinated strategy of talent search & development;
- 1.6. guide management to monitor the personal development plans of employees & facilitate their development; &
- 1.7. create & manage the synergy between personal development & the overall skills requirements of the Commission.

2. PILLARS OF THE POLICY

This policy is based on four pillars namely: improvement of competency levels through personal development (see Performance Management & Development Policy); talent development; career management & succession planning (see Succession Planning Policy).

2.1. Improvement of Competency Levels Through Personal Development

- 2.1.1. Competent employees are critical to the performance of an organisation.
- 2.1.2. Employees are considered competent when they have the necessary knowledge, skills, & experience to perform well all aspects of the job for which they have been employed.
- 2.1.3. As newly appointed employees will not have all the necessary knowledge & skills associated with their job (e.g. the systems, policies, procedures), it is crucial to identify & begin addressing the competency gaps in the first month of probation (see Induction Policy).
- 2.1.4. Divisional Managers are responsible for ensuring that the competency checklists for their divisions are kept current:

2.1.4.1. Organisational Competencies

- a) This area will focus on the development of core & strategic competencies.
- b) Core competencies are those competencies that enable the Commission to excel in its operations.

2.1.4.2. Occupational Competencies

- a) Occupational competencies concentrate on the development of the vocational & managerial competencies required to perform the current job.
- b) Individual needs drive the development of the plans to address occupational competency gaps in the Commission.

2.1.4.3. Generic Competencies

- a) Employees will be considered for development in areas that generate higher general competence in the SAHRC environment.

- b) Demonstration of commitment, drive & performance excellence will be the primary considerations when selecting employees for development of generic competencies.

2.1.5. In certain cases the Commission will select employees for development in any of the competencies.

2.1.6. Divisional Managers & line managers will at times recommend development interventions for members of their Programmes; &

2.1.7. Individuals may also approach the Commission for development.

2.1.8. However, where a recommendation for development is made by either a line manager or the individual, a business case for such recommendation should be developed for consideration & recommendation by the divisional manager to the CEO for approval.

2.2. Talent Development

2.2.1. The concept of talent development will be applied to develop leadership capabilities in the Commission.

2.2.2. A combination of fair & equitable criteria will be employed to select employees who are ready for leadership development.

2.3. Career Management & Succession Planning

2.3.1. The Commission is committed to supporting employees to develop their careers within the organisation.

2.3.2. The Commission will assist where possible in career pathing employee.

2.3.3. Employees will also be developed for the purposes of succession planning.

2.3.4. Succession planning compliments both talent development & career management.

2.3.5. Succession planning is designed to develop a pool of employees, i.e. expand their knowledge, skills & experience, to be eligible for appointment to more senior positions when they become vacant.

3. IMPLEMENTATION TOOLS

3.1. Developmental Needs Analysis

Developmental needs analysis is a gateway to a sound skills development programme. Development needs analyses will be carried out for the following three levels:

- a) The Commission, where skills need analyses will be carried out for the entire Commission;
- b) Operational, where Divisional Managers identify the knowledge, skills and experience required at the different levels within the Division and its business units
- c) Individual level, where employees engage with their line managers on a six-monthly basis to establish their developmental needs.

3.2. Management Development Programmes

3.2.1. There are two (2) types of management development programmes: Individual programmes & group programmes.

3.2.1.1. **Individual management development plans** are compiled for individual managers in the first month of appointment to the position. The objective of the individual development plan is to address the

competency gaps identified in their recruitment assessment (against the job profile & the results of the psychometric evaluation). Appointment to the position at the end of the probationary period will be dependent on achieving the development plan objectives for the period. Salary increases & other performance rewards will also be dependent on the achievement of the set development plan goals (see Performance Management & Development Policy). Individual management development plans may include some group development programme interventions (see below).

3.2.1.2. **Group Development Programmes** are those designed for general management team participation or which cover generic managerial developmental areas. Other programmes will be designed for certain categories of managers to cater for their specific requirements, e.g. provincial managers whose jobs require of them to have a wide range of general management knowledge & skills as well as some Commission-specific knowledge & skills.

3.3. Personal Development Plans

3.3.1. Personal development is monitored & managed using a personal development plan.

3.3.2. Training & development needs are identified & reviewed using the Core Competency Checklist & the job-specific competencies listed on the Job Profile during the performance evaluation/personal development planning meetings (see Performance Management & Development Policy). The identified competency gaps & training needed to address those gaps is set down in the Personal Development Plan.

3.3.3. Ongoing coaching & mentoring is used to address gaps in the core competencies required in the job incumbent's position.

3.3.4. The minimum requirement is an informal discussion on PDP progress on a six-monthly basis.

3.3.5. The HR Unit compiles the Workplace Skills Plan from the Personal Development Plans submitted in May (annual review) & November (mid-term review).

3.4. External / Formal Education & Training Interventions

All external education, training & development interventions must:

3.4.1. empower employees to contribute effectively to the Commission's mandate;

3.4.2. benefit the Commission as an organisation in building & sustaining the training & development field;

3.4.3. be aligned with employees' present & anticipated career paths;

3.4.4. be aligned with the equity policies & programmes;

3.4.5. be properly planned, programmed, recorded, & results reviewed to maximise the benefits obtained from resources devoted to training; &

3.4.6. be formally recommended by the divisional manager and approved by the CEO before these can be signed off in the Personal Development Plan.

3.5. Seminars & Conferences:

- 3.5.1. Attendance of seminars & conferences must be discussed with the Line Manager or Mentor.
- 3.5.2. Numbers will have to be limited & the development impact will have to be fully justified.
- 3.5.3. When there is an agreement the Commission will pay all direct costs.
- 3.5.4. On return, such employees are expected to give the Commission a report on their experience, with recommendation on how the Commission could improve its effectiveness.

3.6. Workplace Skills Development (WSD) Planning

- 3.6.1. The Commission is required to submit an annual workplace skills plan in compliance with the objectives & principles of the Skills Development Act.
- 3.6.2. The annual workplace skills plan is developed by consolidating all the approved & budgeted training interventions planned for the year arising from 3.1 – 3.5 above.
- 3.6.3. A WSD Committee, consisting of functional representatives of all internal stakeholders of the Commission appointed by the HR Committee, with representation of the trade union, is responsible for making human resource development recommendations & monitoring the implementation of the workplace skills plan.
- 3.6.4. The committee is chaired by the Skills Development Facilitator & should meet on a quarterly basis.

4. Bursary Scheme

- 4.1. Each application for a bursary will be reviewed to establish whether the specific course or qualification meets the objectives of the Commission & the requirements of the division. The HR Unit will advise business unit managers in this regard.
- 4.2. An application via the HR Unit must be presented to the CEO for approval, under a covering memorandum containing the following information:
 - 4.2.1. The name, designation & business unit of the applicant;
 - 4.2.2. The actual course cost;
 - 4.2.3. The amount budgeted for study;
 - 4.2.4. Confirmation of the available funds in the budget; &
 - 4.2.5. Any other recommendation deemed necessary.
- 4.3. Training contracts will be signed between the Commission & the individual employee once the training programme has been approved.
- 4.4. If approved, the HR Unit must follow the prescribed requisition procedures, finalise the booking arrangements (e.g. date, time & venue for the training or seminar) & convey the details to the staff concerned.
- 4.5. The Commission will pay the actual course costs directly to the institution concerned.
- 4.6. Course costs include registration fee, exam fees, course fees & study manuals.
- 4.7. On application of part-time study applicants must complete the prescribed application form, attach proof of the course code & submit this to the HR Unit.

- 4.8. On completion of the course or after attending the seminars, the line manager of the employee concerned should assess the impact of the intervention by monitoring work performance of those employees & report the results as part of the regular PDP 6-monthly reviews.

4.9. Bursary Scheme Options

4.9.1. Enrolment with education institution:

4.9.1.1. **Universities & Technikons:** Permanent employees who enrol for part time studies with a University or Technikon & who are a first time applicant will receive 100% assistance for up to a maximum of three courses per annum. This financial assistance will be provided in the form of a bursary which is accessible only to employees who meet the requirements of the scheme.

4.9.1.2. **Technical College;** If an employee enrolls with a Technical College, the Commission will grant him/her a study bursary for the full course.

4.9.1.3. **Secondary Education:** If an employee enrolls with a College, i.e.: Damelin, for Junior Certificate or Matric, the Commission will grant the bursary for the full amount.

4.9.1.4. **Special Course Chosen by Individual:** If an employee enrolls for a special programme with an institution, for example a six months computer course which is within his/her scope of responsibility, the Commission will grant the bursary for a full course.

4.9.2. **Special Development Programme Chosen by the Commission:** If the Commission identify a need to send an employee to a development course the line manager or a mentor, on behalf of the Commission, will discuss the identified need with the employee in question. On agreement & after having followed all necessary administrative processes the employee will be sent on such a development course.

The bursary scheme has the following additional conditions:

- 4.9.3. The funding for three courses for the first year & the following years is conditional on the applicant passing the courses.
- 4.9.4. Should the applicant fail a course, he/she will fund the failed course (s) himself/herself & the scheme will fund the other course (s).
- 4.9.5. More than one failure of a single course will lead to the automatic discontinuation of funding until the employee passes the course.
- 4.9.6. Funding will continue as long as the applicant passes the offered courses.
- 4.9.7. The CEO may grant bursaries for higher education to both serving & prospective employees, but may allocate bursaries for general education & further education & training only to staff who are in the employ of the Commission.
- 4.9.8. Where the CEO provides a bursary for higher education to a member of staff, the bursary holder must enter into an agreement with the Commission in terms of which he/she:

- 4.9.8.1. In the case of a bursary holder who undertakes full time study, will redeem the bursary by serving the Commission on the basis of one year for each year of study or any part thereof, or
- 4.9.8.2. In the case of a bursary holder who undertakes part time study, will redeem the bursary by serving the Commission on the basis of one year for each year of study or any part thereof.
- 4.9.8.3. All direct expenses incurred by the Commission, for the employee's studies including examination fees or professional subscriptions, will be written off after one year's continuous employment.
- 4.9.8.4. Where an employee leaves the employment of the Commission prior to the completion of the course or within one (1) year of the completion of the course, the original amount will be proportionally recouped from the employee. This may include any financial assistance in respect of course fees, material & other incidental costs thereto.
- 4.9.9. As a rule, all employees who are granted bursaries are obliged to inform the Commission of the academic progress by submitting the results of all tests & examinations written by the employee within two (2) business days from the date when such results become available to the employee.

5. RESPONSIBILITIES:

5.1. Divisional Managers are responsible for:

- 5.1.1. maintaining relevant core competency checklists for the division which set out the knowledge & skills components required of employees within the business units & departments in the division;
- 5.1.2. determining the objective evidence required to establish an employee's competence;
- 5.1.3. identifying the personal development needs of their employees; &
- 5.1.4. ensuring that the training & development plans supports the Commission's objectives.

5.2. The HR Unit is responsible for:

- 5.2.1. developing & overseeing the annual training & development plan, based on the input received from Divisional Managers and the personal development plans (PDPs) of all employees, updated on a six-monthly basis;
- 5.2.2. budgeting for all training & development related expenses;
- 5.2.3. monitoring the allocation of bursaries & training opportunities to ensure a fair spread of opportunity for all employees to access required training over time;
- 5.2.4. coordinating the implementation of all training, employee PDPs, & development programs;
- 5.2.5. coordinating the training & PDP implementation with each business unit manager to develop each employee to his/her potential & support the objectives of the Commission; &
- 5.2.6. maintaining accurate & current records of all training interventions & attendees.

5.3. The Workplace Skills Development Committee is responsible for:

- 5.3.1. recommending the annual workplace skills plan;
- 5.3.2. recommending the Commission financial assistance for human resource development interventions; &

5.3.3. assuring the quality of the workplace skills plan.

5.4. **Line Managers** are responsible for:

- 5.4.1. offering every employee an equal opportunity to further their personal development through the performance management and personal development planning process,
- 5.4.2. analysing the training & development needs of employees through the performance management process on a six-monthly basis;
- 5.4.3. ensuring that each employee has a PDP which is reviewed & updated on a six-monthly basis;
- 5.4.4. providing the HR Unit with copies of the performance reviews & PDPs on a six monthly basis or whenever the PDP is updated within the six-monthly cycle;
- 5.4.5. identifying champions to help employees to develop the required core competencies;
- 5.4.6. providing an enabling environment to allow employees to execute their PDP tasks.
- 5.4.7. facilitating the attendance of employees at all planned, approved & budgeted position-relevant training & development interventions in collaboration with the HR Unit; &
- 5.4.8. monitoring & assessing the impact of training & development interventions on reporting employees.

5.5. **Individual employees** are responsible for:

- 5.5.1. taking control, ownership & responsibility for their personal development;
- 5.5.2. implementing their PDPs;
- 5.5.3. gathering & retaining the evidence required to demonstrate competence in areas of the PDP that have been developed during the period under review;
- 5.5.4. showing a continuous commitment to broaden their skills & knowledge relevant to their current job, future career opportunities & to the Commission as an organisation;
- 5.5.5. rendering optimum performance; &
- 5.5.6. continuously improving their productivity.

1. POLICY:

- 1.1. All forms of employee harassment & discrimination is a prohibited personal practice & the Commission strongly disapproves of such conduct.
- 1.2. All employees, job applicants & other persons who have dealings with the Commission, have the right to be treated with dignity.
- 1.3. Sexual harassment in the workplace will not be permitted or condoned.
- 1.4. Allegations of sexual harassment will be dealt with seriously, retaliation for lodging grievances & from false accusations.

2. PURPOSE:

- 2.1. To seek to prevent sexual harassment in the Commission.
- 2.2. To provide an appropriate policy environment & the necessary procedures to deal with the problem & prevent its occurrence.

3. SCOPE:

- 3.1. Although this policy is intended to guide the Commission & its employees, the perpetrators & victims of sexual harassment may include job applicants, Commission members, suppliers or others who are having dealings with the Commission, who ought to be protected.

4. RESPONSIBILITIES:

- 4.1. The HR Unit should be responsible for overseeing compliance with the policy.
- 4.2. All employees have a role to ensure that a climate is created in which sexual harassment is unacceptable.
- 4.3. All employees shall ensure that their conduct does not cause offence & that they discourage victimisation on the part of others.
- 4.4. The CEO shall ensure that education & awareness raising programs which encourage gender sensitive practices & behaviour are put in place to educate all Commissioners & staff members about rights & appropriate procedures pertaining to cases of sexual harassment.
- 4.5. Divisional Managers are responsible to ensure that staff members under their supervision adhere to the prescribed norms contained in this policy.

5. DEFINITION OF SEXUAL HARASSMENT

- 5.1. Sexual harassment is a form of discrimination & is unacceptable to the Commission. It is unwanted conduct of a sexual nature. The unwanted nature of sexual harassment distinguishes it from behaviour that is welcome & mutual.
- 5.2. Sexual attention becomes sexual harassment if:
 - a. The behaviour is persisted in, although a single incident of harassment can constitute sexual harassment, &/or;
 - b. The recipient has made it clear that the behaviour is considered offensive, &/or;
 - c. The perpetrator should have known that the behaviour is regarded as unacceptable &/or;
 - d. The incident took place within the premises of the employer or in an area where official duties were to be performed.

6. FORMS OF SEXUAL HARASSMENT:

6.1. Sexual harassment may include unwelcome physical, verbal or non-verbal conduct, but is not limited to the example listed as follows:

- a. Physical conduct of a sexual nature includes all unwanted physical contact, ranging from touching to sexual assault & rape & includes a strip search in the presence of others or a strip search in private parts.
- b. Verbal forms of sexual advances, comments with sexual overtones, sex-related jokes or insult or unwelcome graphic comments about a person's made in their presence or directed towards them, unwelcome & inappropriate enquiries about a person's sex life & unwelcome whistling at a person or group of persons.
- c. Non-verbal forms of sexual harassment include unwelcome gestures, indecent exposure & the unwelcome display of sexually explicit pictures & objectives.
- d. Quid pro quo harassment occurs where a member of management or co- a employee, undertakes or attempts to influence the process of employment, promotions, training, discipline, dismissal, salary increment or other benefit of an employee or job applicant, in exchange for sexual favors.
- e. Sexual favouritism exist where a person who is in a position of authority rewards only those who respond to his/her sexual advances &/or where this implied, whilst other deserving employees who do not submit themselves to any sexual advances are denied promotions, merit rating or salary increases.

7. REMEDIES

7.1. Anyone who feels that he/she is the victim of sexual harassment has the right to seek redress without prejudice. The procedure for dealing with complaints has two stages. The first is informal & the second formal. Employees will be under no duress to accept one or the other option.

7.1.1. Informal procedure

- a. A person who has a complaint may try to resolve the problem using the informal procedure. This involves discussion &/or mediation. It may be sufficient for the employee concerned to have an opportunity where he/she can explain to the person engaging in the unwanted conduct that the victimize in question is not welcome, that offends them or makes them uncomfortable & that it interferes with their work. This procedure shall not be used for cases that involve sexual assault, rape, strip search in the presence of the same or opposite sex, quid pro quo or persistent forms of sexual harassment, unless the aggrieved chooses to allow an informal procedure.
- b. A mediator(s) will be appointed at managerial level to serve a one-year term.
- c. In the case of a mediator being appointed, the mediator has ten (10) working days in which to provide help & a satisfactory solution.
- d. If there has been no resolution to the complaint's satisfaction within ten working days, or if the case is severe or if the conduct continues, the complainant may institute formal proceedings.
- e. Should the informal mediator resolve the matter, no disciplinary action shall be taken against the alleged harasser.

- f. The aggrieved & the alleged harasser shall be referred to relevant trauma crisis centres for counselling should they so wish. This will be the responsibility of the CEO in the case of the aggrieved & only if the alleged harasser is found innocent shall the CEO take responsibility.

8.1.2 Access to mediators

- a. The HR Unit will publish annually through notice board & the intranet the names of mediators who will be available for staff.
- b. In addition, the names of counsellors &/or mediators may be obtained in confidence from the offices of:
 - i. The CEO.
 - ii. HR Unit – Employee Relations Manager.
- c. A complaint has the right to choose from the list of counsellors & once the investigation is completed & Management is satisfied with the process of investigation, a matter may then be dealt with in terms of the disciplinary provision applicable.
- d. All sexual harassment disputes must be settled within 30 days of the referral.

8.2 The Formal procedure

Where informal procedures are not applicable the Commission shall adopt a formal procedure, i.e. the disciplinary code & procedure.

8.2.1 Suspension

In extreme forms of alleged sexual harassment that involve sexual assault such as rape, strip search, molestation or attempted rape, the alleged harasser may be suspended with emoluments pending the outcome of the disciplinary hearing.

8.2.2 Investigation

- a. Once allegations of sexual harassment are brought to the attention of the Commission, an investigating officer is appointed by the CEO within five (5) working days to investigate such claims.
- b. The aggrieved party is afforded the opportunity to choose an investigating officer from a list of three names approved by the Commission.
- c. The aggrieved shall exercise his/her right to choose an investigation officer within three (3) working days of receiving the notification & shall notify the CEO of his/her choice in writing.
- d. An investigating Officer shall:
 - i. Be someone from outside the division, department or business unit or Provincial Office from where the grievance originates.
 - ii. Be required to have relevant labour relations skills.
 - iii. Have appropriate investigating skills & be given adequate resources.
 - iv. Ensure confidentiality so as not to disadvantage either party.
 - v. Make recommendations on the course of action to be taken based on the evidence gathered within five (5) working days after his/her appointment.

8.2.3 Disciplinary Action

- a. The disciplinary hearing is held within nine (9) working days after the outcome of the investigation.
- b. The outcome of the disciplinary hearing is communicated to the affected parties within two (2) working days unless otherwise agreed to by the parties.

8.2.4 Disciplinary Measures

- a. Disciplinary measures shall be in line with the measures spelt out in the Commission Disciplinary Procedure & Code.
- b. The Commission is guided by the Code of Good Practice as contained in Schedule 8 of the Labour Relations Act, 1995 wherever it has to consider action following a claim of sexual harassment.

8.2.5 Dispute Resolution

- a. Where the victim or alleged perpetrator is not satisfied with the outcome of the disciplinary hearing, the victim or the alleged perpetrator is afforded the opportunity to appeal to the Chairperson of the Commission.
- b. The appeal against the decision of the Presiding Officer is made in writing within two (2) working days of receiving notice of the final outcome of the hearing.
- c. The Chairperson may decide to uphold the appeal; reduce the sanction; or confirm the outcome of the disciplinary proceedings.

1.1.3 CONFIDENTIALITY

- a. Although it might be difficult to guarantee confidentiality in sexual harassment cases given the legal duties involved & frequent of rights & obligations, the CEO has the duty to ensure limitations on the number of persons that will have to be acquainted with the case.
- b. Both the Commission & employees must undertake reasonable to ensure that Sexual harassment complaints are investigated & handled in a manner whereby the identities of the person involved are kept confidential.
- c. Management, employees & the parties concerned shall 77ictimize to ensure confidentiality in the disciplinary enquiry. Only appropriate members of management as well as aggrieved alleged harasser, witnesses & interpreter, when necessary, should be present in the disciplinary enquiry sessions.

1.1.4 VICTIMIZATION

It is a disciplinary offence to victimize or retaliate against an employee who in good faith lodges a grievance of sexual harassment.

1.1.5 SERVICE PROVIDER

- a. All service providers appointed by the Commission to work within the premises of the Commission will be made aware of the sexual harassment policy.
- b. It will be a condition of the granting of a contract that the contractor may not engage in sexual harassment.

1. STATEMENT:

The Commission supports the attendance & expression of condolences in various ways wherever feasible by the staff members of the Commission, at their own expense in keeping with the spirit of Ubuntu. However the Commission undertakes to support such initiatives, as set out in this policy & based on the financial constraints of the Commission.

2. OBJECTIVE:

The objective of this policy is to allow employees to attend funerals & to express their condolences to the family in bereavement in the event of a member of staff having passed away.

3. APPLICATION OR APPROVAL TO ATTEND A FUNERAL

- 3.1. Staff wishing to attend a funeral of a fellow employee, especially when the burial is taking place during working hours, should apply for permission in writing to their respective HoPss.
- 3.2. The Commission reserves its right to designate a member of staff or Senior Management to attend such a funeral for or on behalf of the Commission.
- 3.3. Where employees who are accompanying a designated representative of the Commission wishes to use the Commission's vehicle for this purpose, a requisition should be completed, recommended by the relevant Divisional Manager & approved by the CEO. When such a requisition is being considered, due regard will be given to the operational requirements of the Commission.
- 3.4. In the case where overnight costs will be incurred, a requisition should be completed, recommended by the relevant Divisional Manager & approved by the CEO. The applicable subsistence & travelling policy of the Commission will apply.

1. PURPOSE

- 1.1. The purpose of this Code & Procedure is to –
 - 1.1.1. support constructive labour relations in the Commission;
 - 1.1.2. promote mutual respect between employees & the employer;
 - 1.1.3. ensure that everyone in the SAHRC shares a common understanding of misconduct & discipline;
 - 1.1.4. promote acceptable conduct;
 - 1.1.5. provide a quick & easy reference for the application of discipline;
 - 1.1.6. avert & correct unacceptable conduct; & prevent arbitrary or discriminatory actions toward employees.

2. PRINCIPLES

- 2.1. Discipline is a corrective measure & not a punitive one.
- 2.2. Discipline must be applied in a prompt, fair, consistent & progressive manner.
- 2.3. Discipline is a management function.
- 2.4. A disciplinary code is necessary for the efficient delivery of service & the fair treatment of employees, & ensures that employees –
 - 2.4.1. have a fair hearing in a formal or informal setting;
 - 2.4.2. are timeously informed of allegations of misconduct made against them; & receive written reasons for a decision taken.
- 2.5. As far as possible, disciplinary hearings shall take place in the place of work & be understandable to all employees.
- 2.6. If a member commits misconduct that is also a criminal offence, the criminal procedure & the disciplinary procedure will continue as separate & different proceedings.
- 2.7. Disciplinary proceedings do not replace or seek to imitate court proceedings.

3. SCOPE OF APPLICATION

- 3.1. This procedure applies to the employer & all employees of the SAHRC.

4. CODES, RULES & STANDARDS

- 4.1.1. The Code of Good Practice developed by NEDLAC, insofar as it relates to discipline, constitutes part of this Code & Procedure.
- 4.1.2. Conduct that may warrant disciplinary action is listed in Annexure A of this chapter. This list is not exhaustive. Management may discipline employees in respect of other conduct, if the employee knew, or ought to have known, that the conduct constituted grounds for disciplinary action.
- 4.1.3. In applying disciplinary action, management must assess the seriousness of the alleged misconduct by considering –
 - 4.1.3.1. the actual or potential impact of the alleged misconduct on the work of the Commission, the employee's division, department or business unit or unit & colleagues, & the public;
 - 4.1.3.2. the nature of the member's work & responsibilities; & the circumstances in which the alleged misconduct took place.

5. PROCEDURE: DISCIPLINARY ACTIONS

5.1. Corrective counselling.

5.1.1. In cases where the nature of the misconduct warrants counselling, the line manager of the employee must:

5.1.1.1. bring the misconduct to the employee's attention;

5.1.1.2. determine the reasons for the misconduct & give the employee an opportunity to respond to the allegations;

5.1.1.3. seek agreement on how to remedy the conduct; & take steps to implement the agreed course of action.

5.2. Verbal warnings.

5.2.1. Where the nature of the misconduct warrants a verbal warning, the line manager may give the employee a verbal warning. The line manager must inform the employee that further misconduct may result in more serious disciplinary action, & record the warning. Verbal warnings remain valid for three months.

5.2.2. If during the validity of the warning, the member is subjected to disciplinary action on a same or related transgression, the warning may be taken into account in deciding an appropriate sanction.

5.3. Written warnings.

5.3.1. Where the nature of the misconduct warrants a written warning, the line manager may give the employee a written warning. The following provisions apply to written warnings:

5.3.1.1. The written warning may be given in the form of Annexure B;

5.3.1.2. The line manager must give a copy of the written warning to the employee, who must sign receipt of it;

5.3.1.3. If the employee refuses to sign receipt, the line manager must hand the warning to the employee in the presence of another employee, who will sign as a witness that the written warning was conveyed to the employee.

5.3.1.4. The written warning must be filed in the employee's personal file.

5.3.2. A written warning remains valid for six months. At the expiry of the six months, the written warning must be removed from the employee's personal file & destroyed.

5.3.3. If during the six-month period, the employee is subject to disciplinary action on a same or related transgression, the written warning may be taken into account in deciding an appropriate sanction.

5.4. Final written warnings.

5.4.1. Where the nature of the misconduct warrants a final written warning, the line manager may give the employee a final written warning.

5.4.2. The following provisions apply to final written warnings:

5.4.2.1. The final written warning may be given in the form of Annexure C.

5.4.2.2. The line manager must give a copy of the final written warning to the member, who must sign receipt of it.

5.4.2.3. If the member refuses to sign receipt, the line manager must hand the warning to the employee in the presence of another employee, who will sign as a witness that the final written warning was conveyed to the employee.

5.4.2.4. The final written warning must be filed in the employee's personal file.

5.4.2.5. A final written warning remains valid for six months. At the expiry of the six months, the final written warning must be removed from the employee's personal file & destroyed.

5.4.2.6. If during the six-month period, the employee is subject to disciplinary action on a same or related transgression, the final written warning may be taken into account in deciding an appropriate sanction.

5.4.3. For less serious forms of misconduct, no formal enquiry is held.

5.4.4. For the purpose of determining appropriate disciplinary actions, valid warnings for similar or related transgressions by the employee is taken into account.

6. SERIOUS MISCONDUCT

6.1. If the alleged misconduct justifies a more serious form of disciplinary action, the employer may initiate a disciplinary enquiry. The employer must appoint a person, from within or from outside the Commission, as its representative to initiate the enquiry.

6.2. Disciplinary enquiry

6.2.1. Notice of enquiry

6.2.1.1. The employee must be given notice at least five working days before the date of the hearing.

6.2.1.2. The employee must sign receipt of the notice. If the member refuses to sign receipt of the notice, it must be given to the employee in the presence of a fellow employee who will sign as a witness that the notice was conveyed to the employee.

6.2.1.3. The written notice of the disciplinary meeting may be given in the form of Annexure D & provide –

- a. a description of the alleged misconduct & the main evidence on which the employer will rely;
- b. details of the time, place & venue of the hearing; & information on the rights of the employee to representation by a fellow employee or a recognized trade union, & to bring witnesses to the hearing.

6.3. Precautionary suspension or transfer

6.3.1. The employer may suspend or transfer a member on full pay if –

6.3.1.1. the employee is alleged to have committed a serious offence; & the employer believes that the presence of a employee at the workplace might jeopardize any investigation into the alleged misconduct, or endanger the well being or safety of any person or state property.

6.3.1.2. A suspension or transfer of this kind is a precautionary measure that does not constitute a judgment, & must be on full pay.

6.3.1.3. If a member is suspended or transferred as a precautionary measure, the employer must hold a disciplinary hearing within 60 days. The chair of the hearing must then decide on any further postponement.

6.4. Conducting the disciplinary hearing

6.4.1. The disciplinary hearing must be held within ten working days after the notice is delivered to the employee.

- 6.4.2. The employer must appoint a person, from within or from outside the Commission, as chairperson of the disciplinary hearing.
- 6.4.3. The employee may be represented in the hearing by a fellow employee, a representative or an official of a recognized trade union.
- 6.4.4. If necessary, an interpreter may attend the hearing.
- 6.4.5. In a disciplinary hearing, neither the employer nor the employee may be represented by a legal practitioner, unless the employee is a legal practitioner. For the purposes of this agreement, a legal practitioner is defined as a person who is admitted to practice as an advocate or an attorney in South Africa.
- 6.4.6. If the employee fails to attend the hearing & the chairperson concludes that the member did not have a valid reason, the hearing may continue in the employee's absence.
- 6.4.7. The chairperson must keep a record of the notice of the disciplinary hearing & the proceedings of the meeting.
- 6.4.8. The chairperson will read the notice for the record & start the hearing.
- 6.4.9. The representative of the employer will lead evidence on the conduct giving rise to the hearing.
- 6.4.10. The employee or the employee's representative may question any witness introduced by the representative of the employer.
- 6.4.11. The employee will be given an opportunity to lead evidence. The representative of the employer may question the witnesses.
- 6.4.12. The chairperson may ask any witness questions for clarification.
- 6.4.13. If the chairperson decides the member has committed misconduct, the chair must inform the employee of the finding & the reasons for it.
- 6.4.14. Before deciding on a sanction, the chairperson must give the member an opportunity to present relevant circumstances in mitigation. The representative of the employer may also present aggravating circumstances.
- 6.4.15. The chairperson must communicate the final outcome of the hearing to the employee & the employer within five working days after the conclusion of the disciplinary enquiry, & the outcome must be recorded on the employee's personal file.

6.5. Sanctions

- 6.5.1. If the chairperson finds an employee has committed misconduct, the chairperson must pronounce a sanction within five working days, depending on the nature of the case & the seriousness of the misconduct, the member's previous record & any mitigating or aggravating circumstances. Sanctions consist of –
 - a. Counselling;
 - b. a written warning;
 - c. a final written warning;
 - d. suspension without pay, for no longer than three months;
 - e. demotion;
 - f. a combination of the above; or
 - g. dismissal.

6.5.2. With the agreement of the employee, the chairperson may only impose the sanction of suspension without pay or demotion as an alternative to dismissal. If an employee is demoted, after a year he or she may apply for promotion without prejudice.

6.6. Pre-dismissal arbitration hearing

6.6.1. The employer & the employee charged with misconduct may agree that the disciplinary hearing will be chaired by an arbitrator.

6.6.2. The decision of the arbitrator will be final & binding & only subject to review by the Labour Court.

6.6.3. All the provisions applicable to disciplinary hearings in terms of this Code & Procedure, will, with the necessary changes required, apply for purposes of such hearings.

6.6.4. The employer will be responsible to pay the costs of the arbitrator.

6.6.5. For purposes of a pre-dismissal arbitration hearing, both the employer & the employee may be represented by a legal practitioner.

1. OBJECTIVES

The objectives are to –

- 1.1.1. assist employees to overcome poor performance;
- 1.1.2. promote efficient & effective performance;
- 1.1.3. avert & correct inadequate performance;
- 1.1.4. ensure that the employer & employees share a common understanding of incapacity;
- 1.1.5. prevent arbitrary or discriminatory actions toward employees;
- 1.1.6. give reasonable assistance to employees who are incapable of performing according to the needs of their jobs;
- 1.1.7. promote mutual respect between employees & between employers & support constructive labour relations in the Commission.

2. SCOPE OF APPLICATION

- 2.1.1. This procedure applies to the employer & all employees falling within the scope of the Commission.

3. CODES, RULES & STANDARDS

- 3.1.1. The Code of Good Practice as developed by NEDLAC, insofar as it relates to incapacity, constitutes part of this procedure.
- 3.1.2. In applying this procedure, the employer must assess the incapacity by considering –
 - 3.1.2.1. the extent to which the incapacity impacts on the work of the Commission, the employee's division, department or business unit or unit, colleagues, & the public;
 - 3.1.2.2. the extent to which the employee fails to meet the required performance standards established by the employer;
 - 3.1.2.3. the extent to which the employee lacks the necessary skills to perform in accordance with his/her performance agreement;
 - 3.1.2.4. the nature of the employees work & responsibilities;
 - 3.1.2.5. the circumstances of the employee;
- 3.1.3. Line managers are responsible for alerting employees to performance deficiency issues.
- 3.1.4. Performance planning & review meetings should include identifying competency gaps & highlighting performance deficiencies.
- 3.1.5. Attempts should be made to determine the reasons for gaps in an individual's performance to inform what is required to address these within the next six months, i.e. by the next performance review.

4. PROCEDURE

- 4.1. This procedure sets out the steps for addressing identified levels of unsatisfactory work performance under the following circumstances:
- 4.2. Where an employee achieves a performance rating of “**UNACCEPTABLE**”, a more intensive & formal process should be implemented by the line manager immediately; or

- 4.3. Where an employee achieves a performance rating of “**DEVELOPING/NEEDS IMPROVEMENT**” for two successive 6-monthly formal performance evaluations, & is not in their first year of employment in the Commission, again, the line manager must immediately implement a more intensive & formal process.
- 4.4. An employee who alleges unfair conduct on the part of the line manager in the implementation of the formal process is not precluded from following the Grievance Resolution Procedure. However, the improvement process should not be delayed by the Grievance Resolution Procedure.
5. **STEPS TO BE FOLLOWED** (see also the Performance Management Manual which includes the relevant Annexures)

Step 1: Notification Of Poor Performance

The line manager is required to arrange formal counselling sessions to deal with the problem; & notify the employee in writing of the situation.

Step 2: The First Counselling Interview

The line manager is required to:

- a) advise the employee that his/her performance is unacceptable, with explicit reasons & examples where necessary;
- b) endeavour, as far as practically possible, to assist the employee concerned by identifying the employee's area(s) of poor work performance, eliciting from the employee how the employee proposes to address the area(s) of poor work performance & making suggestions on how such poor work performance could be improved through training, coaching, guidance, etc.;
- c) inform the employee of the steps that the improvement process will follow (e.g. evaluation, instruction, training, guidance, requirements, positive consequences & negative consequences, for example redeployment of the employee, demotion, or termination possibilities);
- d) provide reasonable opportunity & appropriate assistance for the employee to improve his/her work performance;
- e) set a reasonable time for performance to improve (three months). Any deviation from this period should be agreed to by both parties;
- f) reset clear, measurable & attainable objectives, performance indicators & targets (not less than what would normally be expected from/by the employee);
- g) document resources support, frequency of feedback & appropriate development plans. (See Annexure D to the PM Manual);
- h) set a follow-up meeting date – reviews should be held on a monthly basis.

Step 3: The Follow-Up Interview(S) - Written Counselling Reports

The line manager is obliged to:

- a) conduct a full re-assessment approximately three months from when the process began;
- b) keep detailed documentation & records of feedback (documented records of feedback on every aspect become critically important as evidence when disputes arise as to the nature of performance over a period of time);
- c) discuss the following:
- d) Successes & shortcomings, as experienced by both parties;
- e) Difference in evaluation;
- f) Reasons for shortcomings, & suggestions/plans to resolve shortcomings;
- g) Revised program (objectives, standards, dates) if necessary;
- h) Resources, support, etc. if required;
- i) Subsequent meetings (preferably on at least a monthly basis for the approximate three months duration of the written counselling);
- j) issue the employee a written counselling report after each follow-up interview. (See Annexure D to the PM Manual).
- k) reduce the time between interviews if the employee barely responds positively to counselling.

Step 4: The Final Interview

The line manager is obliged to:

- a) schedule & conduct a final interview In the event that the employee's performance has not improved to the required standard, as evidenced from the follow-up interviews approximate three months after the first interview (counselling) was conducted.
- b) This final interview should take the form of either :
 - b.1 Final Written Counselling**
 - I. The line manager is obliged to:
 - II. conduct the final written counselling in order to impress upon the employee that his / her performance has not improved to the required level.
 - III. detail the performance requirements (See Annexure D to the PM Manual).
 - IV. subject the employee to an Incapacity hearing in the event that the employee fails to meet the performance requirements over the stated period.

or

b.2 Satisfactory Close-Out Report

- I. The line manager is obliged to:
- II. conduct the final interview & complete a Satisfactory Close-Out Report (See Annexure D to the PM Manual) where it is clear that the employee have displayed improved work performance to the required level at any point through the performance counselling process.

- III. reinstitute this counselling process with proportionately lesser periods applicable, should further instances of poor work performance prevail.

Step 5: The Incapacity Hearing

- a) The HR Manager will appoint a competent Chairperson to consider the employee's continued employment.
- b) The Chairperson may decide that:
- c) a dismissal may be effected should substantive reasons prevail, & fair procedures be followed; **or**,
- d) where practically possible in the opinion of the Commission, consider alternatives to dismissal such as demotion &/or re-deployment of the employee.
- e) Demotion can be initiated, providing the employee consents to it & if it is possible in the Commission's structure.
- f) Re-deployment to a job with different job content may occur, provided the employee consents thereto. If the job content remains similar & job grading remain the same, no consent is needed. (This may occur, where for example, the manager may deem it necessary to transfer the employee to a job with similar content, where variables that are more positive are available).
- g) In the event that demotion &/or redeployment are not possible or the employee has not agreed thereto, the employee's dismissal for incapacity to fulfil reasonable contractual employment obligations should be effected.

6. INCAPACITY PROCEDURES IN RESPECT OF ILL HEALTH OR INJURY

- 6.1.1. If the line manager is of the view that an employee is not performing in accordance with the job that the employee has been employed to do as a result of poor health or injury, the employer must investigate the extent of the incapacity or injury.
- 6.1.2. In conducting this investigation the employer must give the employee, & his/her representative of her/his choice, the opportunity of stating the employee's case & being heard on all the issues that the employer investigates & considers.
- 6.1.3. Relevant medical & other information must be considered.
- 6.1.4. The employer must provide the employee with a written report setting out the results of the investigation.
- 6.1.5. In the investigation the employer must consider whether the nature of the employee's ill health or injury is of a temporary nature & the period of time that the employee is likely to be absent from work.
- 6.1.6. In this investigation the employer must consider –
 - 6.1.6.1. the nature of the job;
 - 6.1.6.2. the likely period of absence;
 - 6.1.6.3. the seriousness of the illness or injury;
 - 6.1.6.4. the remuneration of the member during her/his period of absence; &
 - 6.1.6.5. the possibility of securing a temporary replacement for the ill or injured member.
- 6.1.7. If the employee's ill health or injury is of a permanent nature the employer must investigate the possibility of –
 - 6.1.7.1. securing alternative employment for the employee;

- 6.1.7.2. adapting the duties or work circumstances of the employee to accommodate his/her disability; & offer boarding on the grounds of ill health or injury.
- 6.1.8. If the investigation conducted by the employer suggests that the employee's ill health is as a result of alcohol or drug abuse, the employer may –
 - 6.1.8.1. counsel the employee;
 - 6.1.8.2. encourage the employee to attend rehabilitation;
 - 6.1.8.3. establish a formal rehabilitation programme, which the employee will be expected to follow; or
 - 6.1.8.4. terminate the employment of the employee after following fair procedures, if the behaviour is repetitive.
- 6.1.9. If the employee fails to follow the formal programme or to attend rehabilitation or to address the problem of alcohol or drug abuse, the employer must give the employee or his/her representative a written report & consult again with the member.
- 6.1.10. After consulting with the employee the employer may consider whether to terminate the employment of the employee after the normal disciplinary process is concluded.

2 PURPOSE:

The purpose of the grievance procedure is to provide a process whereby the grievance of individual employees arising out of their employment can be resolved, as close as possible to its origin & as speedily as possible, so that it does not develop into a major dispute.

3 GENERAL PRINCIPLES

- 3.1 Employees may lodge grievances without any fear of victimisation or prejudice.
- 3.2 All grievances are to be handled with the utmost discretion & with the dignity & privacy of employee in mind.
- 3.3 Grievances shall be settled as speedily & effectively as possible & at the lowest possible level.
- 3.4 The objective of this procedure is to deal with individual grievances of employees.
- 3.5 The Employee Relations Manager or his/her delegate acts as adviser for both parties in a grievance investigation.
- 3.6 The procedure does not replace normal communication between employees & their line managers, & should therefore be utilised in cases where informal communication has been exhausted or is clearly inappropriate.
- 3.7 Employees shall have the right to be assisted by a co-employee of their choice at any stage of the procedure.
- 3.8 The grievance must be raised within ten (10) working days of the occurrence that gave rise to it, failing which, unless special circumstances exist, the employee will have no recourse to the grievance procedure.

4 THE PROCEDURE OF GRIEVANCE RESOLUTION

4.1 Step 1

- 4.1.1 The employee must verbally communicate the grievance directly to his/her immediate supervisor/manager.
- 4.1.2 The supervisor/line manager must:
 - a) Listen in private to the employee's problem
 - b) Encourage the employee to speak openly about his/her grievance
 - c) Give the employee the assurance that he will not be victimized
 - d) Ask relevant questions to obtain all the facts related to the grievance
 - e) Respect the need for confidentiality
- 4.1.3 The supervisor/line manager must endeavour to resolve the problem as soon as possible & furnish the employee with an answer within five (5) working days of the grievance having been raised

5 Step 2

- 5.1 If the employee is not satisfied with the results of step 1 or non-attendance to the issue:
- 5.2 A grievance form obtained from the HR Unit must be completed in duplicate by employee.
- 5.3 A signed grievance form must be handed by the employee or employee representative to the supervisor/line manager & the HR Unit. A grievance must be lodged within ten (10) working days of the occurrence leading to the dissatisfaction, or within ten (10) days of the occurrence came to the grievant's notice or 10 working days of the immediate supervisor/line manager having informed the employee of the outcome of step 1.
- 5.4 The written grievance shall state the facts upon which it is based, when they occurred, the policy that allegedly has been violated & the remedy sought.

5.5 On receipt of the grievance form, the supervisor/line manager, after consultation with the employee &/or his/her employee representative, must communicate the outcome to the employee in writing within five (5) days for the purpose of resolving the grievance.

5.6 If the employee's grievance is not settled to his/her satisfaction, the parties proceed to the next step.

6 Step 3

6.1 The grievance form is handed to the next level of management concerned who, within five (5) days of receiving the form, arranges a grievance investigation, which will involve the following people:

6.1.1 the employee

6.1.2 employee representative

6.1.3 witnesses, if any

6.1.4 supervisor/line manager concerned

6.1.5 HR Manager or her/his delegate.

6.2 During the investigation an effort must be made to settle the grievance, & the manager concerned must comment in writing regarding his/her findings within three working days of the grievance investigation having been completed.

6.3 If the employee is not satisfied with the findings of the grievance investigation, the parties proceed to Step 4.

7 Step 4

7.1 The employee concerned may refer the grievance & the manager's findings of the grievance investigation to the CEO's Office.

7.2 The grievance form must contain a complete explanation of all facts relating to the matter, & must detailed the employee's demands for relief.

7.3 The CEO's Office will, if necessary, arrange a meeting with the employee concerned & his/her employee representative, & having considered the matter, inform the employee in writing of his/her decision within seven working days of receiving it.

7.4 If the employee is not satisfied with the CEO's Office decision, he may proceed to Step 5

8 Step 5

8.1 The dissatisfied employee may make use of any appropriate statutory dispute settling mechanism as defined in the Labour Relations Act.

8.2 In the event where the employee feels uncomfortable raising the matter with the supervisor or the manager then the matter may be raised with the Employee Relations Manager to deal with the grievance accordingly.

1. This policy provides direction on how the employment contract can be terminated in any of the following ways:
 - 1.1. Resignation;
 - 1.2. Retirement;
 - 1.3. Desertion;
 - 1.4. Dismissal for misconduct or incapacity,
 - 1.5. Retrenchment; or
 - 1.6. Death in service.

2. SCOPE

This policy & procedure applies to the termination of all employment contracts of full-time, part-time or temporary employees.

3. RESIGNATION

- 3.1. Under normal circumstances, employment with the SAHRC may be terminated by the employee.
- 3.2. Resignations must be in writing & must be handed to the line manager.

3.3. Notice of Termination of Employment

- 3.3.1. Unless otherwise agreed with the CEO or stipulated in the letter of appointment, the period of notice is one calendar month's written notice of resignation after the first year of employment.
- 3.3.2. The notice period during the first six months of employment (during probation) is one week.
- 3.3.3. The notice period for those employed for more than six months but for less than twelve months is two weeks.
- 3.3.4. The notice period for casual employees who have been employed for less than four weeks is one week.
- 3.3.5. The notice period for casual employees who have been employed for more than four weeks is two weeks.
- 3.3.6. The period of notice shall not apply in the case of serious offenses where summary dismissal is permissible by law.
- 3.3.7. Annual leave, sick leave, or any other leave entitlement, may not be taken concurrently with the period of notice.
- 3.3.8. In exceptional cases, this stipulation may be waived at the discretion of the Executive Director.
- 3.3.9. If an employee who has given notice wishes to leave before the notice period has expired, she/he may apply for a reduction of the required notice period.
- 3.3.10. The CEO will consider such requests in the light of the exigencies of the work situation, & subject to such conditions as it may deem appropriate.
- 3.3.11. Where employment has been terminated by the SAHRC pursuant to a disciplinary inquiry, or in terms of the governing contract, the SAHRC reserves the right to pay such employee his/her salary in lieu of notice, in which event the employee shall not be required to serve out such period of notice.

4. RETIREMENT

- 4.1. The normal retirement age in the SAHRC is 65 years.
- 4.2. The CEO may, under exceptional circumstances & with the concurrence of the Provident Fund of which the employee is a member, permit an employee to retire before reaching the age of 65 years.

5. DESERTION

- 5.1. Any absence from work for a period of a 5 (five) consecutive working days without notification to & approval by the SAHRC will be regarded as unauthorised absence/desertion.
- 5.2. The SAHRC will follow the guidelines in Schedule 8 of the LRA when addressing incidents of unauthorised absence/desertion.
- 5.3. The SAHRC may terminate the employment contract if it is satisfied beyond reasonable doubt that the employee has absconded/deserted.

6. DISMISSALS FOR MISCONDUCT & INCAPACITY

The processes for these terminations are set out in the Disciplinary Code & procedures.

7. RETRENCHMENT

The SAHRC shall endeavour to avoid or minimise the need for retrenchment & shall always consider alternatives to retrenchment in accordance with the provisions of the LRA.

8. DEATH IN SERVICE

Should an employee die in service, monthly salary payment & accrued leave up to the date of death is paid in the normal way to the deceased employee's estate. A payment of the monthly salary for the remainder of the month is made tax-free to the surviving spouse/dependants, as a voluntary special payment.

9. BENEFITS, FINAL PAYMENT & RETURNING SAHRC PROPERTY

- 9.1. All benefits end on the last day of employment.
- 9.2. Employees must return all Commission assets before information on their final payment can be issued.
- 9.3. Final payment will be paid to the employee's bank account on the last working day of the notice month.
- 9.4. If there are unpaid obligations to the SAHRC, the final settlement & payment will reflect the appropriate deductions.
- 9.5. The last month salary is also part of the final payments & is paid on the last working day of the notice month.

10. TERMINATION ADMINISTRATION PROCEDURES

10.1. The **voluntary** resignation or retirement process starts with the official written notification from the employee to the manager who informs HR. HR is also the focal point of all activities related to the **involuntary** end of employment.

10.2. Line Managers are required to institute the appropriate termination procedures in respect of employees about to leave the employ of the SAHRC with the assistance of the HR Unit.

10.3. Exit Interview

10.3.1. HR is responsible for scheduling an exit interview with a separating employee at the latest on the employee's last day of employment with either the line manager or the HR manager.

10.3.2. The purpose of the exit interview is to ensure that:

- 10.3.2.1. the termination procedure was properly followed;
- 10.3.2.2. arrangements are made for the handover of all SAHRC properties (keys, access/security cards, parking cards, papers, computer passwords, etc.) & work information in the employee's possession;
- 10.3.2.3. employee benefits are correctly wound up;
- 10.3.2.4. outstanding loans are recovered; &

10.3.2.5. the certificate of service is issued.

10.4. References/Testimonials

10.4.1. Certificate of Service

10.4.1.1. HR will provide a Certificate of Service to all employees on the employee's last working day with the SAHRC which records the following:

- a) Name, identity number & address of employee;
- b) Period of service with the SAHRC;
- c) Occupation/job title of the employee at the time of his/her termination;
- d) The employee's salary at the time of termination.

10.4.2. References/Testimonials

A reference or testimonial is not a right, but may, on request by the employee & at the discretion of the CEO be given to a departing employee.

10.5. Line Manager's Key Exit Process Responsibilities:

- 10.5.1. Inform HR about voluntary resignations, retirement & temporary employees' contract termination;
- 10.5.2. Retrieve all equipment & other company property (e.g. laptop, phone, access cards)
- 10.5.3. Terminate network & collaboration tool accesses.

10.6. HR Key Exit Responsibilities:

- 10.6.1. Issue a certificate of service.
- 10.6.2. Notify the administrators of the various benefit schemes of the termination of the employee, namely the:
 - 10.6.2.1. **Medical Aid** – Medical Aid will cease on the last day of employment
 - 10.6.2.2. **Unemployment Insurance Fund** – The employee will receive a UI-19 form completed by HR.
 - 10.6.2.3. **Pension Fund** – The employee must complete the Withdrawal Benefit Claim Form. Should the employee wish to withdraw the pension contributions, tax clearance will have to be received & payment will be made within three (3) months of the employees' termination.
- 10.6.3. Inform all relevant parties of the termination.

ANNEXURE A**ACTS OF MISCONDUCT**

A member will be guilty of misconduct if she or he, among other things (this list is not exhaustive):

1. Contravenes the SAHRC Code of Conduct.
2. Fails to comply with, or contravenes an Act, regulation or legal obligation.
3. Wilfully or negligently mismanages the finances of the Commission.
4. Without permission possesses or wrongfully uses the property of the Commission, or that of another member/employee &/or a visitor.
5. Wilfully, intentionally or negligently damages & or causes loss of the Commission's property.
6. Endangers the lives of self or others by disregarding safety rules or regulations.
7. Prejudices the administration, discipline or efficiency of the Commission.
8. Misuses his or her position in the Commission to promote or to prejudice the interest of any political party.
9. Steals, bribes or commits fraud.
10. Accepts any compensation in cash or otherwise from a member of the public or another employee for performing her or his duties without written approval from the Commission.
11. Fails to carry out a lawful order or routine instruction without just or reasonable cause.
12. Is absent or repeatedly absent from work without reason or permission.
13. Commits an act of sexual harassment.
14. Discriminates against others on the basis of race, gender, disability, sexuality or other grounds outlawed by the Constitution.
15. Performs poorly or inadequately for reasons other than incapacity.
16. Performs work for compensation in a private capacity for another person or organization either during or outside working hours without written permission from the Commission.
17. While at work, Is under the influence of an intoxicating, illegal, unauthorized, habit-forming &/or stupefying drug, including alcohol.
18. While at work, conducts herself or himself in an improper, disgraceful & unacceptable manner.
19. Assaults, or attempts or threatens to assault, another member/employee or person while on duty.
20. Incites other personnel to unprocedural & unlawful conduct.
21. Displays disrespect towards others in the workplace or demonstrates abusive or insolent behaviour.
22. Intimidates or victimizes fellow members/employees.
23. Prevents other members/employees from belonging to any trade union or body.
24. Operates any money-lending scheme for members/employees for own benefit during working hours or from the premises of the SAHRC.
25. Carries or keeps firearms or other dangerous weapons on the Commission's premises, without the written authorization of the employer.
26. Refuses to obey security regulations.
27. Gives false statements or evidence in the execution of her or his duties.
28. Falsifies records or any other documentation.
29. Participates in unprocedural, unprotected &/or unlawful industrial action.
30. Commits a common law or statutory offence while on Commission's premises.

ANNEXURE B

FINAL WRITTEN WARNING

[DATE]

[NAME OF EMPLOYEE]

[PERSONAL DETAILS OF THE EMPLOYEE]

This is a final written warning in terms of the disciplinary procedure. Should you engage in further transgressions, it could lead to a more serious sanction being imposed on you. This final written warning will be placed in your personal file & will remain valid for a period of six months from the date of the written warning. After six months the written warning will be removed from your personal file & be destroyed.

The nature of the misconduct is:

SIGNATURE OF EMPLOYEE _____ DATE _____

SIGNATURE OF THE EMPLOYER REPRESENTATIVE _____ DATE _____

SIGNATURE OF WITNESS (If applicable) _____ DATE _____

ANNEXURE C: NOTICE OF DISCIPLINARY HEARING

[DATE]

[NAME OF EMPLOYEE]

[PERSONAL DETAILS OF THE EMPLOYEE]

You are hereby given notice to attend a disciplinary hearing in terms of the applicable Disciplinary Code & Procedure.

The alleged misconduct & the available evidence is:

[A DETAILED DESCRIPTION OF MISCONDUCT MAY BE ATTACHED].

The hearing will be held at _____ [PLACE] on _____ [DATE] at _____ [TIME].

If you do not attend & cannot give reasonable grounds for failing to attend, the meeting will be held in your absence.

A fellow employee or a representative of a recognised union may represent you.

You may give evidence to the hearing in the form of documents or through witnesses. You will be entitled to question any witness introduced by the employer.

If the enquiry holds that you are guilty of misconduct, you may present any relevant circumstances in determining the disciplinary sanction.

SIGNATURE OF EMPLOYEE _____ DATE _____

SIGNATURE OF THE EMPLOYER REPRESENTATIVE _____ DATE _____

SIGNATURE OF WITNESS (If applicable) _____ DATE _____

Acting	means a scenario where an employee is requested to temporarily perform the roles & responsibilities attached to a vacant senior post, other than the post to which he/she was formally appointed.
Actual Performance	the actual score for each performance indicator in the performance agreements.
AIDS:	Acquired Immune Deficiency Syndrome
Annual leave cycle	is from 1 January to 31 December of every year. Annual leave is accrued on a monthly basis.
Annual Performance Plan	the annual organisational performance plan compiled using National Treasury guidelines in the New Framework for Strategic Plans & Annual Performance Plans (2010) .
Approved studies	refers to studies undertaken by an employee, which studies are deemed relevant to an employee's position within the Commission.
BCEA	Basic Conditions of Employment Act of 1997 (BCEA).
Benchmarking:	comparison of performance & processes to improve practice & performance
CEO	means the CEO of the South African Human Rights Commission, or his delegate.
CEO:	means the CEO of the Commission;
Commissioners	means the Commissioners of the South African Human Rights Commission, or their delegate.
Competence	the blend of knowledge, skills, behaviour & aptitude that a person can apply in the work environment, which indicates a person's ability to meet the requirements of a specific post;
Competencies	mean the combination of knowledge, skill, experience & attributes needed to be successful in a role.
Days	normal working days, from Monday to Friday, excluding statutory public holidays.
Disabled	As defined by the World Health Organization. The UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities differentiate between a disabled & a handicap. They suggest that people may be disabled by physical, intellectual or sensory impairment, medical conditions or mental illness that may be permanent or transitory in nature. The term "handicap" means a loss or limitation of opportunities to take part in the life of the community on an equal level with others. It describes the encounter between the person with a disability & the environment.
Empowerment:	Providing people with the necessary tools & skills enabling them to do their jobs effectively.
Evidence:	tangible proof for achievement against a target.
Fellow employee	is a member of staff employed by the Commission on a full-time or on fixed time contract basis.
Fixed term contractors-	refer to employees engaged on a fixed term OR temporary employment contract.
Flexi-time:	Any period of time within the normal working day when arrangements may be made with the Line Manager, as to when to start & stop working.
Grade:	the relative value of a particular job as reflected by the job weight, which is linked to a salary range in a salary scale;
HIV/Aids:	Are used according to medical & scientific definitions that have been developed by the Centre for Disease Control (CDC) in the USA, the World Health Organization (WHO) & the International Labour Organisation (ILO)
HIV:	Human Immunodeficiency Virus
Immediate family	is defined as a spouse/life partner; parents; adoptive parents; parents-in-law; grandparents; child/adoptive child; grandchild & siblings (brothers & sisters).
Inherent requirements of a job:	competencies that, according to evidence, an employee needs to carry out a job;
Internal Controls:	processes in an organisation to provide reasonable assurance regarding the reliability & integrity of information & compliance with policies, plans, procedures, laws & regulations.
Job Content	means the written summary of the main functions or key performance areas of a particular post.
Job weight:	a numerical value assigned to reflect selected characteristics of a job as measured by a job evaluation instrument;
Job:	the basic duties, tasks, functions, competency requirements & responsibilities according to which one or more posts of the same grade are established;
Key Result Area:	or Objective is a clear statement set out in the performance agreement of what needs to be achieved by meeting the targets set out in the operational plan.
Labour Relations Act (LRA):	the Labour Relations Act, 1995 (Act No. 66 of 1995); as amended
Leave entitlement	refers to the amount of leave an employee may qualify to apply for. In certain circumstances, such as family responsibility leave,

	sick leave, maternity leave & study leave, such leave only applies if specific circumstances prevail. For example, only employees who are legitimately ill qualify for sick leave & this leave should not be regarded as additional time off work in addition to an employee's annual entitlement.
Level:	or grade of a job;
Line Manager:	the manager in the immediate reporting line of the employee.
Long Term Absence:	A long term is one that is expected to last more than 3 months.
LRA	means the Labour Relations Act, 66 of 1995.
Management:	To be seen broadly & to include supervisors.
Managerial posts	means all posts in the new organisational structure at the level of Chief Director (level 14) & Director (level 13) within the South African Human Rights Commission.
Managers	means all employees who occupy a managerial role at the level of Director (level 13) & above, other than the post of CEO, within the South African Human Rights Commission.
Medium-term expenditure framework (MTEF):	means the medium-term expenditure framework published by the Ministry of Finance;
Normal Office Hours:	Hours during which an employee (full/part time) must be present at his or her work station for duty, that is, 40 hours of service per week for full time employees, & work for contract employees & interns hours as may be determined according to the needs of the Commission.
Normal Working Day:	A normal workday will be from Monday to Friday except for Public Holidays.
Objective:	or Key Result Area is a clear statement set out in the performance agreement of what needs to be achieved by meeting the targets set out in the operational plan.
Operational Efficiency:	the provision of public goods & services at least cost for a certain service level & standard
Operational Plan:	the annual plans for each SAHRC division derived from the Annual Performance Plan.
Organisation:	refers to the South African Human Rights Commission (SAHRC).
Outcomes:	are the medium-term results the organisation wishes to achieve for specific beneficiaries that are the consequence of achieving specific outputs. Outcomes should relate clearly to an institution's strategic goals & objectives set out in its plans. .
Output:	the final product, goods, or services produced for delivery through organisational processes.
Overtime Duty:	Official duty performed by an employee on a Saturday, Sunday, or on a public holiday.
Parties	mean the South African Human Rights Commission, all it's staff & the recognized union.
Performance Contract:	is the outcome of a process that links individual performance plans to organisational objectives. The performance agreement sets out the objectives, performance indicators, & targets required to achieve effective performance in a given period.
Performance Evaluation:	The formal process of assessing performance.
Performance Indicator:	a concise description of what is used to measure the performance output or outcome that will contribute to achieving an objective. It identifies what should be measured, over what time period, in what units, & how frequently.
Performance Information:	Quality & credible division, department or business unit information, enabling the SAHRC to manage the achievement of its strategies.
Performance Review:	Performance review is the formal process of assessing performance, carried out twice in a year.
Permanent employees	refers to full-time employees of the Commission & not those on fixed term contract, whose terms & conditions are governed by the Basic Conditions of Employment Act.
Permanent unplanned absence:	A permanent absence denotes a situation where it is firmly determined that a Manager will not be returning to the position.
Personal Development Plan (PDP):	A personal developmental plan is a realistic plan based on an employee's competencies & the medium to long-term competency requirements of the organisation. It reflects specific actions to be taken by the employee & the organisation to help the employee develop his or her capacity & potential.
Persons historically disadvantaged:	means persons or categories of persons who have suffered unfair discrimination in the past;
Primary child minder:	The parent who attends to the newborn baby's needs (day & night in the early months of a newborn baby's life)
PMER Policy:	the policy used to plan, monitor, & evaluate performance in the organisation.
Proxy Performance Indicator:	An indicator used for performance that cannot be measured directly so an 'indirect' measure is used.

Public Finance Management Act (PFMA):	the Public Finance Management Act, 1999 (Act No. 1 of 1999)
Public Holidays:	A day mentioned in the Second Schedule of the Public Holiday Act, 1952 (Act of 1952) or the day following the Sunday on which a public Holiday fell or was to be observed.
Rating Scale:	a standard scale for rating performance in relation to specific categories of performance to provide a degree of comparability for performance assessment.
Records:	the output of the business & administrative processes of the SAHRC. Records are the final proof that a business or administrative process was completed.
Registrable interests:	the financial interests outside of the Commission;
Remuneration:	receipt of benefits in cash or in kind.
Representativeness:	the extent to which employment broadly reflects the composition of the South African population, including composition according to race, gender & disability;
Representivity:	Broadly representative of the South African community
Retraining/reskilling	means the process to be undertaken in an endeavour to prepare an employee, within a reasonable period of time, to perform the inherent requirements of a job in the new structure.
SAHRC &/or Commission	means the South African Human Rights Commission duly represented by the CEO.
Salary range:	a set of salaries that form a part of a salary scale linked to a specific grade &, by extension, a set of job weights;
Salary scale:	a range of salaries from a minimum to a maximum for the Commission;
Secondment	means a scenario where an employee is assigned from his/her existing post in one unit/ department, to a post, within the same or another department/unit, for a defined period, & where the employee has not been subject to a fair & transparent competitive recruitment process in respect of that assigned post.
Short Term Absence:	A temporary absence is one where the incumbent is expected to return to his/her position once the events precipitating the absence are resolved.
SMART:	performance indicators & targets are to be specific, measurable, achievable, relevant & time-bound.
SMS:	means the senior management of the Commission;
Staff	means all SAHRC employees, at Deputy Director level & below.
STD:	Sexually Transmitted Disease
Strategic Objective:	a clear statement of what the organisation intends doing (or producing) to achieve its strategic goals. Strategic Objectives in the strategic plan span five years. Performance indicators & targets set in relation to those strategic objectives in the Annual Performance Plan relate to one annual cycle within the five-year strategic plan period.
Strategic Plan:	the five-year organisational performance plan compiled as prescribed in National Treasury regulation 2005 section 5.2 & using the guidelines provided by National Treasury in the New Framework for Strategic Plans & Annual Performance Plans (2010) .
Targets:	standards that are expressed in numbers or percentages to indicate the scores to be achieved in a given period (annual or quarterly). Targets must be SMART. These are applicable to all positions & personnel within the organisation. Quantitative targets tell you "how much" or "how many". Qualitative targets tell you "how well".
the Act:	the Human Rights Commission Act (HRCA)
Treasury Regulations:	the Treasury Regulations published in Government Notice No. R. 556 of 31 May 2000, as amended.
Union	means the recognised union.